



OFFICIAL REPORT

OF THE

MICHAELMAS MEETING

OF CHIEF PLEAS

OF THE

ISLAND OF SARK

HANSARD

Assembly Room, Sark, Wednesday, 2nd October 2024

*All published Official Reports can be found on the
official Island of Sark Chief Pleas website www.sarkgov.co.uk*

Volume 10, No. 5

Present:

Seigneur

Maj. C M Beaumont Esq.

Speaker of Chief Pleas

P M Armorgie Esq.

Deputy Prévôt

J Godwin

Greffier

T J Hamon

Treasurer

S Hudson

Constable

C Turner

Assistant Constable

Jonathan Godwin

Conseillers:

Edric Baker MBE
Frank Makepeace
Paul Williams
Kevin Delaney
Jolie Rose
John Guille

Christopher Kennedy-Barnard
Andrew Miller
Helen Plummer
Benjamin Harris
Christopher Bateson
Carol Cragoe

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Michaelmas Meeting of Chief Pleas

Chief Pleas met at 5 p.m.

[THE SPEAKER *in the Chair*]

PRAYER

The Greffier

ROLL CALL

The Greffier

The Greffier: There are 12 Conseillers, the Seigneur and the Speaker of Chief Pleas present.

The Speaker: Excellent. Thank you, Greffier; thank you very much indeed.

Apologies received

5 **The Speaker:** Welcome to the Michaelmas Meeting of Chief Pleas. I have some announcements to make. His Excellency the Lieutenant-Governor of the Bailiwick has sent his apologies and he is not available to attend this evening's Meeting.

10 I have also received apologies for absence from the following Conseillers: Conseiller Barker; Conseiller Donovan; Conseiller Le Lievre; Conseiller Sullivan; and Conseiller Sandra Williams are not able to be with us this evening.

Lord Ponsonby's visit to Sark – Statement by the Speaker

The Speaker: I have a couple of statements to make, if I may. Firstly, the Seigneur and Chief Pleas will welcome the Lord Ponsonby of Shulbrede, the parliamentary undersecretary of state at the Ministry of Justice, to Sark tomorrow, Thursday, 3rd October.

15 Lord Ponsonby is newly appointed and has assumed responsibility on behalf of the Crown for the Crown Dependencies, including Sark as part of the Bailiwick of Guernsey, and Lord Ponsonby and his wife, Lady Ponsonby, will be in Sark for the duration of tomorrow. We look forward to meeting them and welcoming them to Sark for the first time.

General Election – Statement by the Speaker

The Speaker: The second statement from myself is regarding the General Election and I would like to take this opportunity to remind everyone that the General Election will take place in Sark

20 on Wednesday, 11th December 2024 to fill, currently, half the seats. That is nine vacancies in Chief Pleas on 11th December.

You have heard me say this previously, but I will say it again: I would encourage anyone who wishes to vote or to stand for election to register on the Sark electoral roll. Registration forms are available from the Greffier or via the Chief Pleas website. The electoral roll will close on Friday, 25 22nd November and nominations will open the following Monday and close at 12 o'clock lunchtime on the Friday of that week, 29th November.

In the interests of our democracy and the principles of good governance, please register in good time and remember that if you do not register, you cannot vote and you cannot stand for election. A number of people, as I have said previously, are under the belief that because they pay tax in Sark, that entitles them both to vote and also to stand for election. That is quite clearly not 30 the case. You actually have to register on the electoral roll. So I would urge everyone please to do so in the interests of our democracy. They are the two statements from me.

STATEMENT

Sark Community Power Project – Statement by Conseiller Guille

The Speaker: There are also this evening two Statements requested by Conseiller Guille. Conseiller Guille, Statement number one, please, sir.

35

Conseiller Guille: Thank you, sir.

Statement on the Sark Community Power Project: the design phase of the project is nearing completion, but has been delayed from the original expected completion date of September 2024. The draft design report has been produced and is being reviewed by Communities for Renewables, 40 with assistance from Guernsey Electricity Ltd.

We have also been able to reach out to Alderney Electricity Ltd, who have nearly finished their own major grid upgrade programme, which has delivered them a distribution network that is futureproofed and ready to accept significant renewable generation in the near future in an effort to reduce unit prices for customers. Alderney Electric have kindly offered to assist us by also reviewing these draft designs and work with our design contractors to share lessons learnt from 45 what could probably not be a more similar project in terms of scale, technology, logistics and aims.

Whilst we have not hit the originally expected deadline of September, this additional review input should prove invaluable to the overall project. Once these reviews have been completed, feedback given to the design contractors and the design reports finalised, we look forward to 50 presenting this crucial and exciting piece of work to the public at a future Island Hall meeting.

The Speaker: Thank you, Conseiller Guille; give you chance to draw breath.

Code of Conduct – Statement by Conseiller Guille

The Speaker: You have a second Statement; thank you very much indeed.

55 **Conseiller Guille:** Thank you, sir.

Statement on the Code of Conduct: on 14th September, the Code of Conduct Panel issued their final supplementary Report to the Policy and Finance Committee with their findings and

recommendations. We wish to advise Chief Pleas that we have set the matter to be heard by an Extraordinary Meeting of Chief Pleas on Wednesday, 6th November 2024.

60 The Panel's investigation has raised a number of issues with the Code of Conduct in this particular case. A considerable amount of time and effort has been spent on this matter by the Sark Civil Service, Law Officers of the Crown, Crown advocates and the Jersey and Guernsey Commissioner for Standards. We will bring a comprehensive Report to Chief Pleas at the Extraordinary Meeting where these will be outlined and debated.

65 Thank you.

The Speaker: Thank you, Conseiller Guille.
They are the two Statements there.

**Procedural –
Electronic devices**

70 **The Speaker:** Before we press on with Agenda Item 1, I would just like to remind everyone, in accordance with the Rules of Procedure, I would remind all present that mobile phones, cameras, recording devices and other electronic equipment must be switched off now, less for those allowed to Chief Pleas Members in accordance with Rule 18.

Thank you.

Business of the Day

1. Matters Arising from the Midsummer Meeting held on 3rd July 2024.

75 **The Speaker:** So tonight's Agenda. Agenda Item 1 is matters arising from the Midsummer Meeting held on Wednesday, 3rd July 2024. The *Hansard* has been produced. Does anyone have any matters arising from that Meeting; the Midsummer Meeting on 3rd July 2024? Okay. Thank you very much indeed. Let's move along. And I would remind people that is available now both to read and also to listen to on the Chief Pleas website.

2. Questions Not Related to the Business of the Day.

80 **The Speaker:** Agenda Item 2, Questions not related to the Business of the Day, I have received three questions not related to the Business of the Day. However, I am not able to accept any of them for the following reasons.

Question (1): the Conseiller concerned has sent his apologies and is not able to attend the Meeting this evening, so he is not able to ask that question, which was to do with the definition of a resident.

85 Question (2) was regarding the Code of Conduct inquiry and this, as you just heard from Conseiller Guille, is a live and ongoing investigation, which as explained in the opening Statement will be dealt with exclusively at an Extraordinary Meeting of Chief Pleas on Wednesday, 6th November. So to allow any debate on that currently would clearly be compromising that Agenda Item.

90 Question (3): this question was to the Douzaine and can be asked under the relevant Agenda Item 14, Handling of complaints against the Constable. So those three items are being dealt with elsewhere. Thank you for that.

Moving along (*Interjection by Conseiller Makepeace*) with Agenda Item 3.

95 **Conseiller Makepeace:** Could I ask a question?

The Speaker: Conseiller Makepeace; thank you.

100 **Conseiller Makepeace:** The view of the Statement made by Conseiller Guille, the announcement of the Meeting, I would just like to express my sincere gratitude to the members of the Code of Conduct Panel for not faltering in their task, despite the many obstacles thrown in their way by certain Members of Chief Pleas.

Thank you.

105 **The Speaker:** Thank you, Conseiller Makepeace.

**3. The Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024 –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled ‘Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024’ and to approve the Projet de Loi entitled ‘The Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024’.

Proposition:

That Chief Pleas approves the attached draft Projet de Loi, entitled ‘The Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024’.

The Speaker: Agenda Item 3 is to consider a Report with Proposition from the Policy and Finance Committee entitled ‘Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024’ and to approve ‘The Projet de Loi, entitled the Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024’. I would like to ask Conseiller Guille to introduce the Report on behalf of the Policy and Finance Committee.

110

Thank you, Conseiller Guille.

Conseiller Guille: Thank you, sir.

The Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024 is intended to regulate the manner in which the Sexual Assault Referral Centre (SARC) retains and discloses evidence and information emanating from clients, including from forensic medical examination. The Committee brings this legislation to Chief Pleas with a recommendation for approval.

115

Thank you.

The Speaker: Thank you, Conseiller Guille.

120

Does anybody have any questions or queries to ask of P&F regarding the Projet de Loi and the Report that you see before you? Any questions or queries for P&F before we go to the vote? Okay, clearly not; no hands coming up.

So therefore I will read the Proposition, which is as follows: that Chief Pleas approves the attached draft Projet de Loi entitled the Sexual Assault Referral Centre (Procedure) (Bailiwick of Guernsey) Law, 2024. Those in favour? Thank you. Those against? **Carried.**

125

**4. Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024 –
Medical and Emergency Services Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Medical and Emergency Services Committee entitled ‘Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024’ and to approve the Projet de Loi entitled ‘Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024’.

Proposition:

That Chief Pleas approves the ‘Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024’.

The Speaker: Moving right along to Agenda Item 4, which is to consider a Report with Proposition from the Medical and Emergency Services Committee entitled ‘Regulation of Care

130 (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024' and to approve the Projet de Loi entitled
130 'The Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024'. I would like to
ask Conseiller Plummer, on behalf of the Medical and Emergency Services Committee, to
introduce the Report.

Thank you, Conseiller Plummer.

135 **Conseiller Plummer:** Thank you, sir.

This Report, should it be passed, will help by setting standards for care professionals and
providers, in particular guidance to the Island Safeguarding Officer. I think it is very important,
because we have very strong safeguarding care over here. I would like to see this passed if
possible.

140 Thank you.

The Speaker: Thank you, Conseiller Plummer, for introducing the Report.

Once again, does anyone have any questions or queries or debate that they would like to ask
Conseiller Plummer on behalf of the Medical and Emergency Services Committee?

145 Thank you. We will start with Conseiller Delaney, thank you, followed by Conseiller ... Sorry.
(*Interjection*) Harris! I beg your pardon. Senior moment; I beg your pardon. (*Interjection*)

Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker.

150 I would refer to House to my comments at the Extraordinary Meeting of Chief Pleas, Thursday,
25th April 2024, when at the time we were dealing with more fiscal matters coming through from
Guernsey and we were being asked to vote Bailiwick-wise matters through. I note at the time that
what I was asking, when we are presented with these very lengthy documents, that perhaps
someone from the Law Officers or someone appropriate from Guernsey could come over, before
155 we meet and before we vote, to give us an opportunity to just get a better understanding of what
we are raising our hands for.

I accept Conseiller Guille, Chair of Policy and Finance, very kindly said that he would look into
this and he found himself in agreement with me. But I do note, in looking through here, my
comments were really related to the matters of that evening, which were, as I said, matters of
160 finance. But I think, broadly, when we are presented with these kinds of propositions from
Guernsey, when we are expected to vote things through, I just think it would do us a great service,
and the people of Sark a great service, if we were given an opportunity to expand our knowledge
on the subject before we actually raise our hands.

I will vote for it this evening, even though I have these concerns. It is, as you rightly point to, in
165 about 10 weeks' time we have a general election, it may be one of the last times I stand and speak
in this House, and it would be very churlish to just buck the trend for the sake of it. But I do think
it is something that we should consider for the future and it is something that, were I to come
back to the House in the New Year, I would again ask for and I would be very grateful to be
granted it.

170 Thank you.

The Speaker: Thank you, Conseiller Delaney.

Conseiller Harris. My apologies for misremembering your name.

175 **Conseiller Harris:** That is perfectly all right, sir. As I said, it has been a long day for all of us,
I think.

I would like to second Conseiller Delaney's comments. I think they are important. I think that
when we are passing legislation, it is important not to take the approval of this House for granted.

180 Having said that, I think this Law is a sensible thing, I am going to vote for it. I do have a question about it, though. In section 5, 'Ordinances having effect in Alderney or Sark.', subsection (3), it states an Ordinance ceases to have effect, under paragraph (b):

(b) in Sark if, at the first or second meeting of the Chief Pleas of Sark following the approval date, the Chief Pleas resolve to disapprove its application to Sark.

185 I am glad that this section is in here, because it pays due attention to the appropriate capacities of this House. I also do not see any reason why we would ever need to exercise it. However, I am wondering why there is a time limit on that and I wonder if the rapporteur could enlighten us as to whether that means that if Chief Pleas were to seek to disallow an ordinance at a later point, or to disapply an ordinance, would that go against this Law or not? My assumption is that it would not, but I am intrigued by the wording of the limitation there on the first or second Meeting.

Thank you, sir.

190 **The Speaker:** Thank you, Conseiller Harris.
Conseiller Plummer, would you like to come back on those points, please?

Conseiller Plummer: Yes, I will do.

195 For Conseiller Delaney, thank you very much for raising those points. If the House feels that they wish to have somebody come over to explain more to the point of this, then I would say we can either vote on it tonight or we can refer it until we have had a meeting with the people from Guernsey.

200 **The Speaker:** Thank you. Any comment regarding Conseiller Harris's remarks?

Conseiller Plummer: No. Conseiller Harris, I would have to look into that, sir. (**The Speaker:** Right. Okay.)

Thank you.

205 **The Speaker:** Thank you.

Is there any further questions or debate or queries regarding the Report and the Projet de Loi before us? Okay, we have listened to the comments ... Oh yes, thank you, Conseiller Kennedy-Barnard.

210 **Conseiller Kennedy-Barnard:** Thank you, Mr Speaker.

215 I just thought I would echo my support for what Conseiller Delaney and Conseiller Harris have said. I think it is imperative that anything we do vote on we fully understand. Sometimes things come through in a lawyer's language. Sometimes we do not understand where these decisions will take us and the impacts later down the line. We have passed things in the past that have not been properly understood and they have caused us a tremendous fiscal headache. So we need to think about those things deeply and I really do support Law Officers coming over here to brief us and help us understand these documents better.

Thank you.

220 **The Speaker:** Thank you.

225 Okay, so we have heard three points of view, plus the response from Conseiller Plummer on behalf of the Committee. I think there is a general feeling, forgive me if I am wrong here, that you would like to go ahead and vote on this, but with reservations in terms of moving forwards. That is the feedback I am getting, rather than actually throw it out. Clearly, if you do not want to approve it, then you vote against it, but I think there the choice on the table is to vote for what you see before you, albeit some of you have reservations, or if you do not agree with that then to

vote against it and it will at some point be brought back to the House. I do not want to stall legislation, but I think that is probably the fairest way to go about it.

230 **Conseiller Plummer:** Yes, sir. I agree.

The Speaker: Thank you, Conseiller Plummer.
So if there is no ... Conseiller Guille, thank you.

235 **Conseiller Guille:** Whilst this is not from the P&F Committee, just confirming with Conseiller Plummer, I believe the care providers, the excellent care-providing team we have in Sark, and the safeguarders have had direct consultation with the people in Guernsey who have drawn up this Law already. I think that is correct, Conseiller Plummer. *(Interjection by Conseiller Plummer)* Yes. And they were satisfied, I think, before it came to you.

240 But I totally agree with the aforementioned points and there is absolutely no harm, in fact there is a great deal of benefit, that more of us can get briefed directly by the people involved in drafting these laws.

Thank you.

245 **The Speaker:** Very good. Thank you for that point, Conseiller Guille.
Does anybody else have any other points that they would like to raise before we go to the vote on this? No? Okay.

In which case, the Proposition attached to this Report reads as follows: that Chief Pleas approves the Regulation of Care (Enabling Provisions) (Bailiwick of Guernsey) Law, 2024. Those in favour? Thank you. Those against? Okay. A couple of hesitations, but basically carried. That Report is carried and that Projet de Loi is **carried** with the points noted accordingly, both for the Medical and Emergency Services Committee and I am sure other Committees.

250 I am hearing it from a number of Committees at the moment that they would greatly welcome support, advice and guidance from people in Guernsey before we get to vote on critical pieces of legislation.

5. Taxation Consultation with the Residents of Sark – Taxation Review (Special) Committee Report considered

To consider an Information Report from the Taxation Review (Special) Committee entitled 'Taxation Consultation with the Residents of Sark'.

The Speaker: Moving on to Agenda Item 5, which is to consider an Information Report from the Taxation Review (Special) Committee entitled 'Taxation Consultation with the Residents of Sark' and I would like to ask Conseiller Delaney to introduce the Report under Agenda Item 5.

Thank you, Conseiller Delaney.

260 **Conseiller Delaney:** Thank you, Mr Speaker.

I will be very brief. I am sure everybody in the House has read our short Report here and it is our wish this evening just to give Members of the House an opportunity to discuss this document that we have put out, the consultation paper. It has 12, they are not proposals, but suggestions on it. Members of the public are invited to rate each of the suggestions on a scale of 1 to 5, 1 being strongly disagree, 5 being strongly agree.

265 Arguably, I would argue, the most important aspect of the paper is the back page, where Islanders are given the opportunity to write down additional thoughts. Basically, what have we

missed; what have we not thought of; what would you like to see us include in our deliberations?
270 Because ultimately we would then come to Policy and Finance with recommendations.

I think what we have is just on the back the basic administration, the housekeeping. Two copies
have gone to every house in Sark, people can get more of them from the Gallery Stores. They can
be dropped off there. They can be dropped off at the Committee Office. Desired outcome: as
275 to that towards the end, the importance I put on this consultation paper, not just because of the
subject matter, but the opportunity it is giving people to engage in Sark in what I would call
democracy in its purest form.

I will begin, if I may. We have allocated each of the 12 subjects. I have ended up with the easier
ones. Subject (A), 'Current Tax System':

Do you believe that the current taxation system on Sark is generally speaking, fair and equitable?

280 Quite a reasonable question. It is probably not a bad starting point and we invite people to agree
or disagree with that on a scale of 1 to 5.

The purpose of this exercise this evening, although this first question, question (A), is very
straightforward, we would be writing *War and Peace* in each of these boxes if we tried to explain
the full scope of the thinking behind why they are there. So we will move on one by one, and my
285 fellow Committee Members will expand so hopefully people in the House, and people who I hope
will listen to the recording of this, will have a better understanding of what they are actually being
asked to grade, if I can put it that way.

So if I could go to Conseiller Guille for proposal (B), which is Personal Capital Tax, Forfait.

Thank you.

290

The Speaker: Thank you, Conseiller Delaney.

Conseiller Guille, thank you.

Conseiller Guille: Thank you; thank you, Conseiller Delaney.

295

Question (B) in the consultation paper:

Do you support the closing of a loophole that allows residents to reduce the Forfait they pay by declaring that part
of the dwelling is 'tourist accommodation' or 'office'?

Obviously in your Property Tax, you pay rates on your dwelling, your tourist accommodation
or your office space, but when it comes down to the Forfait which relates to your Personal Capital
Tax, this is only calculated on the dwelling quarters. Ultimately the suggestion might be that it is
no longer just on dwelling quarters, but just simply on all quarters of the property. I think that is
300 a pretty straightforward suggestion and we would very much welcome the public's view on this.

The Speaker: Thank you, Conseiller Guille.

Rather than get bogged down in too much detail on this, although it is a highly important
Information Report and consultation document, does anyone have any questions they would like
305 to raise specifically about that particular question?

Conseiller Makepeace; thank you.

Conseiller Makepeace: I do not know if it is entirely about that question, but what I would like
to say, my only concern, I think they have done a really good job in producing this and giving the
310 public a chance to take part, however, the only concern I have is that it does not tend to cater for
the more vulnerable and needy in our society. Because I think, as important as it is to raise taxes,
it is equally important to remove some people at the lower end of the bracket from the burden of
tax payment.

315 I think we must be one of the only modern-day jurisdictions in the world that imposes taxes
on people that are not working in the vulnerable section. I know there is a section for the elderly
or 68-, 69-year-olds where they do not pay tax, but I would like to see a section ... For example,
now, a person earning £13,900 in Guernsey will pay no tax. A person earning £13,900 in Sark
would pay £525.

320 So I think we have to look at the other end of the scale as well, but while it is important to raise
taxes, let's look at removing the more vulnerable from the system.

Thank you.

The Speaker: Thank you, Conseiller Makepeace.

325 Would Conseiller Guille or Conseiller Delaney like to come back on that particular question?
Conseiller Delaney; thank you.

Conseiller Delaney: Yes, I will be very brief. I thank Conseiller Makepeace. That is exactly what
we are looking for. Begins and ends with that. We take as much as we can and I invite
Conseiller Makepeace to use page four of this form to get his thoughts down and then it is in the
330 system for us.

Thank you.

The Speaker: Thank you, Conseiller Delaney.

335 Yes, Conseiller Cragoe, thank you.

Conseiller Cragoe: Thank you, sir.

It is just a more specific question for Conseiller Guille. When you say all quarters – and sorry,
I should also say thank you to the Committee. I think you are doing stellar work on this. When you
say all quarters, would it be everything that someone is paying Property Tax on or simply all
340 quarters of a single dwelling? In other words, their spare room that they rent out or other
properties, if that makes sense. Is that what you are thinking?

The Speaker: Okay. If you can try and address your questions through the Chair, please.
(**Conseiller Cragoe:** Sorry, yes.) We heard that, thank you, but if you stay square onto the
345 microphone –

Conseiller Cragoe: Sorry, I apologise.

The Speaker: Conseiller Guille, would you like to come back on that question?
350

Conseiller Guille: Yes. This relates to the categorisation of quarters. So instead of it just being
dwelling, it would be those other categories as well. And then I guess it is down to who is the
possessor of those quarters and it would probably align it more closely with the Property Tax,
rather than having imbalance there.
355

The Speaker: Okay, thank you.

Yes, Conseiller Rose. Thank you very much.

Conseiller Rose: Thank you.

360 I also want to congratulate the work that you have been doing and I know that this is a really
huge task. So thank you so much for tackling it and doing such a great job.

I want to second what Conseiller Makepeace is saying. I think it is about access and inclusion
and it is a hard thing for us to tackle when we are on such low resources, as a number of Conseillers
and also the Civil Service. But it concerns me that the people who are in the Committee I think
365 probably are in more comfortable positions, so it is really difficult for people in certain positions

to think about all of the different impacts that this can have and look at it from all the different perspectives.

370 Just from my experience of the form going out, I know of people who have not been able to understand it. So it is even the formatting and the wording. Some of these things that we take for granted as Conseillers as understanding, because we are discussing it between us, some people have got no idea. Even people who are local and have lived here all their lives do not understand the language and understand what is being presented to them.

375 So it is just I think that that needs to be considered going forward with the different ways that you are tackling this. I know that you talked about having groups, conversations and focus groups and things. I think that would be a good idea and I just wanted to say that some of the reactions I have had from people receiving the forms is that they have not understood them.

Thank you.

The Speaker: Thank you, Conseiller Rose.

380 Before we go to Conseiller Kennedy-Barnard, would you like to come back on that particular question, Conseiller Delaney?

385 **Conseiller Delaney:** I most certainly would. I do recall that Conseiller Rose was very supportive of the concept of focus groups and she may recall, when we were floating the concept of public consultation, that I did express a view that those who pose the questions in many ways have quite an influence on the answers.

390 I was reluctant to move into focus groups tonight, because I did not want people *not* to fill their forms in, but it does form a very important thread of where we are going. If I could encourage Conseiller Booth to talk to the very people that she identifies: fill their form as best they can, get their comments on the back, but we will be building on this and also going to focus groups.

In my summing up at the end, I will probably give a broader reason as to why I feel we can do that, if I may.

Thank you.

395 **The Speaker:** Thank you, Conseiller Delaney.

Conseiller Kennedy-Barnard, you had your hand up; thank you.

Conseiller Kennedy-Barnard: Thank you, Mr Speaker.

400 I just thought I would echo what Conseiller Rose has just said. I had a couple of residents come to me too and they had reservations about the wording, the way it was written, which were a little bit negative. And they said, 'Well, I'm not going to return my form.' Perhaps we could do better in that. Obviously, naturally, I appreciate the hard work that the Committee has done to get this consultation together and get some genuine feedback from the public, but I would be remiss if I did not mention that.

405 The other question I have got is does the three-digit code in the righthand corner of the form actually mean anything? Is there any significance to that?

Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.

410 Once again, Conseiller Delaney, would you like to come back on that?

Conseiller Delaney: Yes, certainly, Mr Speaker.

415 The three-digit code is our limited resources on Sark, our administration, our Civil Service's best attempt at making sure that we do not get duplications, we do not get frauds. And so they have numbered, I think it is up to 800 copies that have gone out. Extra copies can be picked up, but they will be numbered as well. I do accept that those downloaded online will not have that number, but we have to be proportionate on Sark.

420 So it is about ... I believe our Civil Service – our greatly strengthened Civil Service – will be more than capable of detecting any suspicious patterns on the return of the forms. But there is a purpose to that number. But we do not know, the Government does not know, the Civil Service does not know whose number goes to which house. (**The Speaker:** Right.) There is no way of tracing that back. When this form comes in, people are guaranteed their anonymity.
Thank you.

425 **The Speaker:** Thank you, Conseiller Delaney.
Are you happy with that, Conseiller Kennedy-Barnard?

Conseiller Kennedy-Barnard: Yes, Mr Speaker. That is fine. (**The Speaker:** Thank you.)
Thank you.
430

The Speaker: Okay. Very good.

So in terms of keeping the conversation here flowing, the debate flowing, do you want to move on to the next particular point, Conseiller Delaney?

435 **Conseiller Delaney:** Certainly, Mr Speaker, and I am going to ask Conseiller Miller to look at item (C) 91st Day Personal Capital Tax.
Thank you.

The Speaker: Thank you.
440 Conseiller Miller; thank you.

Conseiller Miller: (C), (F) and (L) are all related, so it might be somewhat confusing, but it is all about paying Personal Capital Tax and how long you stay on Sark.

445 So (C) is very straightforward. Instead of saying you pay your tax at the end of the year, you have been here for 90 days and disappeared off into the sunset and no one can find you again, that it actually focuses on people having to pay tax not at the end of the year, but at the end of the 90-day period. That is also related to (F) and (L) on the consultation document and people need to think about them in conjunction to one another.

450 **The Speaker:** Very good. Thank you, Conseiller Miller.

Before we ask for more questions on that, someone has got their mobile phone on because it keeps tinkling and twiggling. Please will you make sure that you turn your mobile phone off, because it is being picked up by the microphones. Thank you.

455 Conseiller Miller, thank you for those points. Has anyone got any particular questions of Conseiller Miller, or indeed of Conseiller Delaney, relevant to what you just heard?
Conseiller Cragoe; thank you.

Conseiller Cragoe: Thank you, Mr Speaker.

460 I am slightly concerned. I think the concept, which actually seems to me to be inherent in the tax forms anyway, that if you are here for 91-plus days you are liable for tax, but that tax would be assessed, you would be liable to pay on the 91st day seems to me to be exceptionally complicated. Unless we introduced a monthly system, because otherwise people would be paying on every day of the year, potentially.

465 I would also wonder whether the (L), which is a higher rate of tax levied on residents who stay on Sark for the shortest possible duration, and that reducing tax for people who are on Sark more might actually be slightly counterproductive. You would end up taxing people who are away for legitimate reasons and not taxing people, some of the wealthiest people, who are actually here all the time, and I suppose whether the Committee has considered has considered that.

Thank you.

470 **The Speaker:** Thank you.

A couple of questions bundled together. Conseiller Guille had his hand up. Conseiller Miller, are you happy that Conseiller Guille should speak? (*Interjection by Conseiller Miller*) Yes. Conseiller Guille; thank you.

475 **Conseiller Guille:** Thank you.

Absolutely, Conseiller Cragoe. You have seen that there is already a 90-day reference in the current tax code. The issue comes with the time of year, once a year, when the tax forms are issued. So somebody could arrive on 3rd January and depart on 28th December and maybe not get captured. This is probably resulting in what you alluded to; there would have to be some sort of rolling tax collection or issuing of tax bills to cover that.

The Speaker: Thank you, Conseiller Guille.

Would anyone like to pick up on Conseiller Cragoe, the second part of her question, particularly? No?

485 Conseiller Delaney.

Conseiller Delaney: Again, Mr Speaker, I would suggest that if we do not come back, the most important thing that anybody does is get their concerns on the back of the form. I go back to our much-strengthened Civil Service now are going to collate all this information, and also show how they collated it, the workings out, and then we will be able to come back.

We are an open book. We want people to engage. We want these ideas to come back at us. One might say you could get 10 different Conseillers in a room, come up with 10 different sets of questions. We have to start somewhere. We have to have this process running. And I will add at this point I am very grateful for the House and yourself for giving the time to work our way through this methodically this evening. It is such an important part of our future fiscal policy that I think it is due to time. Again, thank you for that.

The Speaker: Thank you, Conseiller Delaney. Yes, I cannot express an opinion, but I entirely agree. (*Laughter*) Full marks for getting us to this stage. But not my opinion – off the record.

500 Therefore, moving forwards, would anyone like to ...? Consider Guille; thank you.

Conseiller Guille: Yes. Question (D), Personal Capital Tax:

Do you support the suggestion that restricts the number of residents in a dwelling where the Forfait has been paid who may elect to pay the Minimum Tax?

And again, this links back to question (B) in the crossover between Property Tax and Personal Tax. I guess this all probably also picks up on Conseiller Cragoe's remark. It is in twofold here. There are a couple of things to consider. You could have an extremely wealthy person, maybe a couple, where the one person pays the Property Tax and then elects to pay the Forfait and their partner, also being extremely wealthy, then also automatically can just pay the minimum Personal Tax, which results in them paying exactly the same figure as the people on the very lowest incomes in society.

510 So there is that to consider and then there is the other angle of it to consider, where you might have six, seven, eight, nine or more people in one dwelling and as long as the possessor has paid his Forfait, all of these people can then tick to pay the minimum tax. This is a question for the public as to how fair they think that is, when you perhaps want to build a tax system on sharing tax amongst people's ability to pay.

515 Thank you.

The Speaker: Thank you, Conseiller Guille.

Again, we are going through this Report in quite some detail. Does anyone have any particular points they want to raise in response to what Conseiller Guille has just said? Conseiller Delaney, thank – sorry, Conseiller Harris. I beg your pardon. Conseiller Harris first.

Conseiller Harris: Thank you, sir.

I was not particularly intending to speak on these, but as I understand it, I want to get it clear in my head, are we having this discussion in order to illuminate the rationale for the questions or are we actually discussing our opinions? I felt that Conseiller Guille’s discussion of that one perhaps veered over a little bit more into cheerleading for a particular position on it. So I am going to say something very briefly about that to counter the point.

I am actually in favour of restricting the number of people who can pay the minimum if somebody has paid the Forfait, but it should not be zero. It should be restricted to one other person. I think the reason for that is otherwise you end up with double taxation. So should a couple be taxed twice on the same income? A lot of people have shared assets. The whole purpose of paying the Forfait – was it four and a half times your Property Tax? – the whole point of paying that is that is meant to be a largish sum if you have got a ‘good property’, quote unquote, that satisfies your tax contributions.

Otherwise you could end up in a situation where if you have got a wealthy couple, both members of that couple might end up paying nigh on £10,000 each. That is a double taxation of the same asset. That is all I have to say about that. I do not want to get into discussing the positives and the negatives of these things, but if we are going in that direction, then I am sure everybody here has got opinions on different topics.

The Speaker: Thank you, Conseiller Harris.

Once again, all I am going to say is I think it is an important debate to have, because it gives the flavour back to the Committee of the general feeling within Chief Pleas and obviously then committing that through to the public as well. So personally I think it is an important debate, but I take your point, Conseiller Harris.

Conseiller Delaney.

Conseiller Delaney: Yes, thank you, Mr Speaker.

I apologise to the House if we have given the impression that we are not interested in people’s views. And I do apologise if we have created some. Of course we are, because if any Conseiller expresses a view, members of the public can listen to that point. We are looking to expand the whole conversation this evening.

On the matter of Personal Capital Tax, I do not think that is the politics of spite and envy, but we do have properties over here where many people claim to live in them, all getting away with – I will not use the phrase ‘getting away’, because that does sound like the politics of spite and envy, but being very fortunate to be able to use our system just to pay £520. And I think that absolutely answers question (A) on the form: do you believe that the current system is, generally speaking, fair and equitable? I think very few people could say that that was fair and equitable.

Thank you.

The Speaker: Thank you, Conseiller Delaney.

Does anyone have any points they want to raise on that? I know this is slow going, but I think it is important, personally.

Conseiller Cragoe, once again; thank you.

Conseiller Cragoe: Sorry, me again. Thank you, Mr Speaker.

Yes, I think the Forfait is two and a half times rather than four and a half times your Property Tax. There is possibly ... I think the family group is an interesting one, and I should declare a little bit of an interest, given that I live in a shared household with people I am not related to, but if that

570 was to go through, there should be some consideration of what is a family and what is a household. Because I think Conseiller Harris raises a good point about double taxation.

On the other hand, the current system is rather based on the idea that the possessor has money and no one else does, so it is a man or an individual; that perhaps if Personal Capital Tax was assessed on household wealth, rather than defined as a group, that would be another way of getting around this.

575 But I do think that there are some quite complicated ... Not everybody who lives in a shared household is simply living together because they want to have a tax benefit. I personally also do not see what the tax benefit of living on Sark, unless you actually live here, is. You just pay a lot of money and do not get any benefits, really, if you were not actually here, because there are no double taxation arrangements with any other jurisdiction.

580 Thank you.

The Speaker: Thank you, Conseiller Cragoe.

585 Would you like to come back on that point, Conseiller Delaney; Conseiller Guille; Conseiller Miller?

Conseiller Delaney: No. Perhaps we could say if I nod back, I am going to just be referring back to the back page. Let us know. If you need another piece of paper, stick another piece of paper in, get the feedback in.

590 Thank you.

The Speaker: Thank you.

In terms of moving on to the next particular point on the questionnaire, is that how you would like to proceed?

595

Conseiller Delaney: Yes, Mr Speaker, and I did say at the beginning I bagged the easy ones for myself. Seasonal Workers:

Do you support the idea of ... [a seasonal worker] being required to pay [a] personal tax ... pro rata ... [to that] that reflects their time spent on island in any one tax year?

600 Crossing over to the day job, we have seasonal workers. *Pro rata*, what is this going to be, £10 a week? It strikes me as being fair and equitable, if people come and work on our Island, they make a contribution into the exchequer. There is not a lot of correlation between a lot of economic activity in the hospitality sector and Islanders who do not benefit, who are not in that sector seeing any benefit coming into the exchequer. I think this is one thread that does at least, if they are seeing people come onto the Island, working in hotels, working in restaurants, for a very modest £10 a week seeing at least some benefit going into the Island's exchequer.

605 Potentially it throws up another dividend, which is that if employers are obliged to perhaps deliver returns on a monthly basis on things like that, it can deliver some very important and useful data to the Island in respect of what is going on in that particular sector. So I hope that gives some sort of explanation of what is going on there.

610 Thank you.

The Speaker: Thank you, Conseiller Delaney.

Conseiller Makepeace, you have got your hand up; thank you.

615 **Conseiller Makepeace:** Yes. Can I just say that if we do go down that line where we are taxing seasonal workers, could that be perhaps in the form of an upfront payment? The last thing we want to do is raise, for example, £5,000 in revenue and employ another civil servant at £30,000 a year to collect it.

So I think it would be an idea to pay a fee when they came, or a registration fee which could be offset against the full tax if they decide to stay here for the year.

620 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Would you like to come back on that, Conseiller Delaney? You are being referred to the back page, Conseiller Makepeace.

625 Conseiller Miller; thank you.

Conseiller Miller: Yes. Thank you, Conseiller Makepeace, for your comments.

Seasonal workers, it would be the responsibility, as we discussed in the Committee, of the employers to be responsible for paying the tax on their behalf. If you look at the tax that is paid for overseas seasonal workers in Guernsey and Jersey, they get obviously the tax allowance break, but then they pay 20% thereafter. And we are talking about a tiny amount of tax that the responsibility would be upon the employer to pay to the Sark Government. Therefore it would not be employing another person on the Civil Service at £30,000 a head. It would just quite simply be the responsibility of the employer to pay monthly to the exchequer.

635

The Speaker: Thank you, Conseiller Miller.

Has anybody else got anything on that particular point on the questionnaire?

Conseiller Kennedy-Barnard; thank you.

640 **Conseiller Kennedy-Barnard:** Yes. I am just thinking out loud here. One question I do have is the amount that has been suggested is a very modest amount. I think that seasonal workers should be paying something into the economy while they are here. I do agree with that. The question I have is that amount that you are going to take, let's just say each week from them or the employer is going to extract, would you need to come back to Chief Pleas each time if you were going to raise that amount and have a vote on it, or would that empower the Tax Committee or P&F to just raise that when they wished?

645 Where I am going with this is we have a lot of trouble at the moment attracting seasonal workers. Some of it is a post-Brexit issue. I am just concerned that that may snowball and turn into something at a much higher tax rate if the Committee is then empowered to do that. I think that is a valid question anyway.

650 Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.

Would you like to come back on ...? Conseiller Guille; thank you.

655

Conseiller Guille: Thank you.

First of all, to the second half of Conseiller Kennedy-Barnard's comment, I think we have to be very cognisant of the difficulty employers face in finding workers. It is especially hard in the hospitality industry at the moment, so that needs definitely to be borne in mind.

660 When talking about tax in this area and back to the mechanics of it, I should imagine it would be like any tax where at the November Budget Meeting the rate is set alongside everything else for the following year. I cannot see any reason why you would want to do it any other way. The whole of Chief Pleas agrees the tax rate for the next year.

665 **The Speaker:** Thank you, Conseiller Guille, for answering that question.

Before we move on to the next point on the form, any further questions of the Committee? Conseiller Delaney, would you like to move on to the next point?

670 **Conseiller Guille:** Certainly. It is Conseiller Guille again. (F) Personal Capital Tax related to duration of residency on Sark.
Thank you.

The Speaker: Conseiller Guille; thank you.

675 **Conseiller Guille:** Yes. This question asks more, in general, whether you support the suggestion that the greater the portion of the year a person stayed on Sark, the less their capital tax would be. Clearly it is aimed to associate tax with something more visible in terms of obviously the longer you are here, the more you contribute to the general economy of the Island, be that in the shops, restaurants, services, etc. and whether it would be an idea to base the Capital Tax system, or part
680 of the Personal Capital Tax system, on that concept.

The Speaker: Thank you, Conseiller Guille.
Would anyone like to raise any questions based on that?
Conseiller Harris; thank you.

685

Conseiller Harris: Thank you, sir.

It is not a question, it is a statement, because I understand we are actually putting opinions across now, which I did not understand before, but now I do.

690 On that issue, I do not think there is another jurisdiction that taxes people on the basis of the amount of time – no large jurisdiction I can think of – that taxes people on that basis. I think the original proposal was that if people spent less than nine months on Island that they would pay more Personal Capital Tax. What are you going to do there? You are going to make it hard for people to go away for work, training, education, go and visit relatives, look after ill relatives in the UK or whatever.

695 At the other end my suspicion is that because of the nature of Sark, there are quite a lot of people who come and go. There are quite a lot of people who pay tax here, who do not spend that much time here, who might well be encouraged, on the basis of this particular suggestion, to limit their exposure to staying on Sark to less than 90 days.

700 I know for a fact there are many people who are taxed in Sark and in the UK, taxed in Sark and in Jersey or Guernsey. These people already double-taxed, and it would present a perverse incentive to reduce the amount of time that people spend on Sark in many ways. For me, I think it does not make sense.

The Speaker: Thank you, Conseiller Harris.

705 Would the Committee like to come back on that particular point, before I move to Conseiller Cragoe, who has got her hand up? Conseiller Delaney? Conseiller Guille? No?
Conseiller Cragoe; thank you.

Conseiller Cragoe: Thank you, Mr Speaker.

710 As someone who is now taxed in three jurisdictions, I do think that if you were – and spends a lot of time here – you would need to make sure you had some double-taxation arrangements in place. But also I do not see how this is going to be enforced. I just do not get ... We have something very clear in the legislation as it is. There are two things that make you liable for tax: you live here or you are here for more than 90 days, or you have a property which is available for your exclusive use or your use for more than 90 days in the year. Those two things make you liable for tax. It is very simple.

715 And if you choose not to be here and not to use them, in a funny way, I do not think you necessarily ... you do not spend in the shop, but equally, a lot of people who are not here very much probably are the people going to Foodstop, not the ones getting orders from Co-op. And

720 they are not using if they are paying their public works, but not actually putting their bins out. Then that subsidises the people who put three bins out because they have got four kids.

But I am particularly concerned about how you think you will enforce this and also the being here or not being here, whether you are just going to be asking Sark Shipping or how is this going to work. That concerns me.

725 Thank you.

The Speaker: Thank you, Conseiller Cragoe.
Would you like to come back on that, Conseiller Delaney?

730 **Conseiller Delaney:** Only to say, Mr Speaker, two very valuable contributions to the debate and really delivering exactly what we are looking for. Islanders, let alone Conseillers, are invited to grade from strongly disagree all the way through to strongly agree and then, as I said, that information will be collated and we will be guided by the outcome of this consultation.

Thank you.

735

The Speaker: Thank you, Conseiller Delaney.
Would you like therefore to move on to the next point on the form?

Conseiller Delaney: I would do, because it is me again.
740 Derelict houses. Again a very straightforward one:

Do you agree to the introduction of ... tax on owners to encourage development of derelict properties?

I think that is almost self-explanatory. I have not got an awful lot to add to it. I might add – crossing slightly into the day job – that not all entities, Islanders, take advantage of this and there are people on this Island who, regardless of whether properties are derelict or not, do pay tax on them and are willing to pay tax and have paid tax. So it is not something that everybody takes advantage of, but I think it is a very reasonable question to pose to the House and pose to the public.

745

Thank you.

The Speaker: Thank you, Conseiller Delaney.
750 Does anyone have any points they would like to raise on that particular question? No. Okay. The point has been made.
Conseiller Delaney, (*Interjection by Conseiller Delaney*) next question, thank you.

Conseiller Delaney: Over to Conseiller Miller for (H), which is Property Transfer Tax.
755 Thank you.

The Speaker: Thank you.
Conseiller Miller; thank you.

760 **Conseiller Miller:** Property Transfer Tax has been raised to 7% or 7½% – perhaps the Treasurer might correct me if I got it wrong – but it is across the board. It does not take into account whether it is an open market or a local market property and also it does not take into account the value of the property. In the UK, there are bands of stamp duty that go up with the value of the property and what we are really asking for here is for people's thoughts on making it cheaper in terms of
765 taxation for property to move from one to another in the local market and then a higher cost in the open market. And then perhaps again, inside the open market, if a property is worth £1 million, another is worth £5 million, perhaps the latter should be paying a little bit more.

770 Also the Property Transfer Tax – so this has already been raised at a previous Meeting of Chief Pleas – that property owned inside a company has to be looked at very carefully to make sure it is not avoiding paying the tax.

The Speaker: Thank you, Conseiller Miller. Thank you very much indeed.

775 Once again, I know this is a slow process, but I personally think it is very important. Has anyone got any questions of what you just heard from Conseiller Miller?

Conseiller Makepeace; thank you.

780 **Conseiller Makepeace:** It is more a comment, actually. I think the debate so far has been very interesting and informative. However, I think what has become clear is that it would have been better if there had been a better cross-representation of the different people in the community, because there does not seem to be any inclusion of the people at the lower end of the scale, the normal working people who do not necessarily have the choices to reside for 90 days or pay the double taxation. They just go to work, they have to work, they get taxed, they pay the high rents, they pay the high cost of the food. I think that we should have made it more inclusive.

785 Even looking through the topics of the questions, Property Transfer Tax and all the rest, the average working person here is probably going to look at that and say, 'Well, that's been written by people, for people, and not for myself.' I think this should have been more inclusive and included someone from a normal working background.

Thank you.

790 **The Speaker:** Thank you, Conseiller Makepeace.

Conseiller Delaney, would you like to come back on that point?

795 **Conseiller Delaney:** I am rather flattered that Conseiller Makepeace sees me as someone who does not come from an ordinary working background, but what I would say to him, I hope he, like me, would celebrate that we live on an Island where regardless of your status, if you are going to grade people or judge people by their wealth or their lack of wealth, their vote via the ballot box and their opportunity to fill out this form is equal regardless of status.

Thank you.

800 **The Speaker:** Thank you, Conseiller Delaney.

Before we move to the next point, has anyone else like to raise any points on what you just heard?

In which case, we will go to the next point, please, Conseiller Delaney. Is that summing up time or not summing up time?

805

Conseiller Miller: Not quite yet, no. *(Interjection by the Speaker)* We are nearly there.

Conseiller Miller will take (I), which is Bed Tax, and (J), which is Plate Tax – and I will resist the urge to rush out the door and hide while he deals with these two. *(Laughter)*

Thank you.

810

The Speaker: Conseiller Miller, over to you.

815 **Conseiller Miller:** Bed Tax: it is a tourist tax that is widely used in Europe and is beginning to be more used in the United Kingdom. Basically it is a tourist tax where you pay for every night you stay in a hotel or whatever, and the amounts range from £2 to £14. If you go to Paris, you pay the extra tax they put on for staying in Paris. It is quite remarkable the differences in the amount of tax, but it is widely understood to be a tourism tax you pay for spending a night there and that is something Sark does not have. It could, without harming the good people of Sark, raise revenue for Sark.

820 Would it be difficult to administer? No. Because all the people who do hotels or, like myself, self-catering, we know exactly how many people stay and for how long and it would not be too difficult to administer. Would it make a difference whether, 'Oh my goodness, I'm not going to come Sark because I've got to pay a tourist tax of £2 a night'? If you actually look at the numbers, it would be such a tiny percentage of what you are paying to stay on Sark, I do not believe it would
825 put people off. Obviously if you are staying in a hotel or staying in a campsite there would be, the Committee suggests, a differential in what one pays.

The Speaker: Thank you, Conseiller Miller. Thank you very much indeed.

830 Does anyone have any questions or points or queries you would like to raise based on that point?

Conseiller Kennedy-Barnard; thank you.

Conseiller Kennedy-Barnard: Just to really mirror something I said earlier on a previous question. It is a very modest amount that is being suggested by Conseiller Miller. I really appreciate
835 that many Conseillers are working hard here to help us try and balance a budget, which is a very difficult task on this Island.

My only concern there is that it seems really hard to attract tourists to this Island at the moment. I think there is a cost-sensitive issue where some of our competitors are able to attract people because it is a cheaper ferry, maybe the accommodation is a little bit cheaper. So I am just
840 mindful that whilst a small amount has been suggested as an example, again, it must not snowball into something more significant, because we are already really struggling to attract people here.

Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.

845 Conseiller Makepeace probably first, then back to Conseiller Delaney in a second.

Conseiller Makepeace.

Conseiller Makepeace: It was just a question. Are there any estimates as to how much that would actually raise per year for this tax?

850 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Delaney, are you able to answer that question?

855 **Conseiller Delaney:** I will come on to that and it will cover everything we are looking at this evening. This will fall very much into the hands of our now-strengthened Civil Service and with the guidance of the Treasury, input of the Treasurer. Once we have collated the information, the information has been collated, it will certainly be costed out. We can understand people would want to be given some indication on that.

860 But I remind everybody, quite frankly, that we are part-time politicians. We find a few hours here, a few hours there, to try and cover our briefs and what have you. And now we have a Civil Service, this is really exactly the kind of thing, I think exactly the kind of task that we would ask them to undertake on our behalf.

865 On the Bed Tax itself, I again go back to this, looking for some sort of ... For a considerable percentage of the Islanders, getting some sort of correlation that when they see there is some economic activity, there is something coming back into the exchequer. So we have gone across, maybe something coming in from seasonal workers paying a bit of tax into the exchequer, a Bed Tax is becoming more and more common.

870 And we are talking modest, or I believe most people would be suggesting modest, if I might put it to you, once again crossing into the day job, it would probably work out about 1% of the cost of a hotel bed – or a hotel room, I beg your pardon – in the Moinerie or the Dixcart. So I am

not quite so sure that is enough to someone to change their entire holiday plans and decide not to come.

875 **The Speaker:** Thank you, Conseiller Delaney. Any other questions on that particular point on the taxation form? No.

In which case, can we move on to the next point, please.

880 **Conseiller Delaney:** Again, Conseiller Miller. Plate Tax this time.

The Speaker: Plate Tax. Conseiller Miller; thank you.

Conseiller Miller: This will probably mean that I will not be able to get a booking in any restaurant in Sark next year. *(Laughter)*

885 It does not happen elsewhere, but I do not think that should put us off considering it. If you look at the price of a meal in Sark, in Guernsey, in the UK, it is more and more expensive to go out and have a dinner out. One of my guests here went out with eight people for dinner at one of the most respectable restaurants on Sark. There were eight of them, it cost £400, and if it was £408, he would not have batted an eyelid. That is the suggestion that is going out there.

890 Again, it would be something that would be easy for the restaurants to add on to their bill and pay to the Treasury, but I think it is probably one of the most unpopular suggestions on the limited feedback that I have had on the subject. But I think it is one worth thinking about, because it could in fact actually raise a not inconsiderable amount of money for the Treasury.

895 **The Speaker:** Thank you, Conseiller Miller. Does anyone have any questions about that particular point?

Again, Conseiller Kennedy-Barnard. Thank you.

900 **Conseiller Kennedy-Barnard:** Yes, I must be sounding very repetitive tonight, but I feel like we went through a spate – and I have not been here that long in this Island, around four years – of new eateries opening up. Although the example given is £400 and it is £408, people would not bat an eyelid, I think we should be doing all we can to encourage these eateries to be staying open. I do not know the finite reasons why some of them appear to be closing or not continuing, but it might infer that there is a very finely balanced situation where it has not been profitable. So
905 I would be reticent in taxing those eateries.

I fully hear Conseiller Miller's and Conseiller Delane's rationale here that we need taxes coming in, we should be getting something from it, but tourism is our lifeblood. We need these eateries open, we need them flourishing, there need to be places for tourists to go. I spoke to another business owner who said they are perhaps going to give it one more year. I said who is going to take that over and she said, 'Well, probably just we'll stop paying the rent' and what have you. So
910 I really think we need to think about things like this very carefully before proceeding.

Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.
915 Would you like to come back on that, Conseiller Delaney?
Conseiller Guille.

Conseiller Guille: Yes. Thank you, Conseiller Kennedy-Barnard.

920 This has come from a Committee, not everybody on the Committee maybe agrees with this, but this is the point of consultation: to put things out there for the public to comment on.

And anything to do with tax is *usually* going to be unpopular. So questions have got to be asked and not just to dismiss something out of hand, but for people to consider. How fair is it? How fair

is the collection of it going to be? What impact does it have on different parts of the economy?
Feedback is essential to this.

925 Thank you.

The Speaker: Thank you, Conseiller Guille.

Two hands up over here. We will go with Conseiller Rose first and then Conseiller Kennedy-Barnard. Thank you.

930 Conseiller Rose.

Conseiller Rose: Thank you.

I just think that I am aware of how much money we need to raise to run this Island and it is a considerable amount. And then I think about something like the Plate Tax and how that could affect people living on the Island not being able to afford to go out and eat when we have very limited things that we can do socially and to treat ourselves and be part of Island life.

935 So I am not against these, I think that they are interesting suggestions, but I am just concerned or wondering about the actual large amount of money that we need to raise and how things like this, which could affect the poorer people on the Island, how are we going to raise the amount of money that we need to raise with something like this?

940

The Speaker: Thank you, Conseiller Rose.

Conseiller Kennedy-Barnard once again; thank you.

945 **Conseiller Kennedy-Barnard:** Yes. I just thought I would say that perhaps I am coming across as resistant to change here. My opinions may be important, they may not, but what I would say is I would encourage everybody in the Island to fill in these forms and give their opinions, whether they agree or disagree.

Thank you.

950

The Speaker: Thank you, Conseiller Kennedy-Barnard.

Coming back to Conseiller Delaney; thank you.

Conseiller Delaney: Thank you, Mr Speaker.

955 I will just wrap on that, if I may, and then take on the penultimate, which is ringfenced taxation.

Just on the Plate Tax, I will repeat something I said on the radio the other day. I gave an interview to BBC Guernsey. We are really looking at people who are going and sitting down having a meal with alcohol, eating out for a three course ... [*Inaudible*] dinner. We are not talking about people popping in for a bacon sandwich or a cup of tea.

960 Two things again. There is this dividend: it would produce data. And data is in short supply in this Island, to see exactly what is going on and then maybe we can get to the bottom of some of the concerns that Conseiller ... I am having a senior moment. (*Laughter*) (**The Speaker:** Kennedy-Barnard. Conseiller Kennedy-Barnard, yes, expressed as to the issues facing that particular industry.

965 So yes, that is where we find ourselves on that one. It potentially could bring in some money; secondly, it could give us some very valuable data as to how that industry is working. And again, I keep going back to this concept of fair and equitable. If you live in this Island and you are not involved in the tourism industry, you are not a beneficiary of anything happening in the tourism industry. I can understand why you can have some reluctance. It would be very nice if the Island was very quiet all summer and it was not invaded by tourists. And we are here to represent all Islanders and there will be a percentage of the Island that thinks like that.

970

So I believe it to be fair and equitable, when people come and they dine out, or they stay on the Island, a modest contribution into our exchequer I do not think is a lot to ask. I believe it to be fair and equitable.

975 I will move on to (K), which is ‘Ring Fenced Taxation’:

(K) Would you be prepared to pay additional taxes if the monies raised were guaranteed to be used for specific areas of expenditure? Perhaps areas such as Education, Affordable Housing, Medical Care?

Quite a radical concept, but we are interested whether people do have a view on that. I suppose we are really saying would you be willing to pay an extra bit of taxation that would be directed toward any of those causes, so to speak.

Thank you.

980

The Speaker: Thank you for introducing that section, Conseiller Delaney.

Does anyone have any points they would like to raise on that particular item on the questionnaire? Probably sort of covered ...

Conseiller Makepeace; thank you.

985

Conseiller Makepeace: I would be prepared to pay more tax if it was for a particular ... particularly with education, because I think it is the future of our Island and it is important that we educate our children, that they stay on Island and we keep the population ... Well, hopefully it will increase. So I would be prepared to pay extra tax for particular topics or such.

990

Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Harris; thank you.

995

Conseiller Harris: Thank you, sir.

I think whilst superficially it might seem like an interesting idea, I suppose it is, the problem with hypothecation, which is setting taxes for particular purposes, is that it is hard enough to set a budget each year at the best of times, as I am sure the Treasurer has many years of scars on her back, as I think Tony Blair once called it, to show for that. It would restrict the capacity of the Government to assign resources where it was felt it was most essential or most necessary on an annual basis. I think there are problems with it and it is why a lot of countries do not do it.

I think I would prefer to look at the possibility of putting onto the tax return, rather than a tax, a sort of donation box; a voluntary thing. Maybe we could have some dedicated funds, charitable funds – education, I think, is a good example. Obviously we have already got Professor Saint Medical Fund. Maybe we should have these things with bank account details on the tax form each year with an invitation for people to contribute to one or other as they see fit, if they feel that they are able to do so. I feel that would be a lesser way of doing a similar thing, just to see how it pans out perhaps. That was just a suggestion that occurred to me.

1010

The Speaker: Thank you, Conseiller Harris.

Would you like to come back on that particular point, Conseiller Delaney?

Conseiller Delaney: Yes, I am quite taken with that concept. I think there are Islanders who, life has been kind to them, they are minded to acts of philanthropy and they may feel that they would like to spend a few ... I think that is a good idea; that they might like a channel whereby they could put some funds towards a particular cause.

You will be pleased to hear the last one on our list is item (L), ‘Sark Residency/Tax Residency Approved Scheme’ and it is Conseiller Guille who is going to explain that to the House.

1020

The Speaker: Thank you, Conseiller Delaney.

Conseiller Guille; thank you.

Conseiller Guille: Thank you, sir.

1025 This is an extension of question (F), which was capital tax related to duration of residency on
Sark, which picks up on a modern phenomenon across the UK and across a lot of developed
countries of communities where a lot of the homes in the communities are holiday houses and
you have communities struggling for full-time residents. And then it brings into question what
does make a healthy community. Whilst I do not think there are any direct taxes been put in place,
1030 there are taxes in doubling and tripling of council tax rates for homes that are not occupied year-
round. And that is happening more and more across the UK and elsewhere.

It might not suit everybody in their particular situation, but you have got to look at what you
might do if you do not address this, which other communities and jurisdictions have not. Now
I know in Devon, Cornwall and Wales, and even parts of Hampshire now, they are struggling to
catch up with this where it has gone too far and there is less than 30% of buildings occupied in
1035 the winter.

So taxation due to days of residency is a bigger picture thing in terms of what you do to build
a healthy, year-round community. Obviously there is always going to be a section of the
population that works elsewhere and spends different amounts of time in the community, but it
is just considering as a whole what you need to make a community work.

1040 This particular point, point (L), probably picks up on what we found out, that neighbouring
jurisdictions in Guernsey and Jersey have schemes where they recognise that some people are
going to spend an incredibly small amount of time in their jurisdiction. They have got a flat rate of
tax where you do not even have to declare how many days you are going to be in residence and
nobody is going to check up on you. You are just paying a flat rate of tax, and they are not
1045 concerned how often you come and go. That suits some people for whatever reason, and it is
whether, rather than trying to chase people down for how long they are here, you just have an
understanding that this is going to happen, it suits some people.

So you set a tax which does not make it less attractive to be here rather than to be in another
jurisdiction, but obviously it suits some members of society and gives a benefit to the Island.
1050 Because if people are going to be here for less than 30 days, I really do not buy that they are going
to suddenly make up for a year's worth of input into the economy. Some people might be here
for less than 10 days. They are not in those 10 days going to spend that much money in Foodstop
that they contribute to the overall economy.

1055 So it is setting sensible limits and looking for Sark to gain some something from a practice that
everyone very well knows goes on. So it would be useful to hear people's thoughts.

The Speaker: Okay. Thank you, Conseiller Guille.
Yes, Conseiller Makepeace, followed by Conseiller Harris.
Conseiller Makepeace first.

1060 **Conseiller Makepeace:** At a meeting a good while back, I think it was of the Definition of
Resident Committee, I did actually put forward the suggestion that we followed perhaps the
example of Jersey with the 1.1K residents, whereby there is a system whereby they pay a set
amount of tax per year, they buy a property for a certain amount, and there are very little
1065 restrictions on those people.

I think that is perhaps something that could work here, if we were to sell the residency as such
to say to people at the high end, if you were paying x amount of tax per year, whether you are
here or not, we do not mind, because we can put that money to good use. But I can see the
wisdom in that in, in effect selling the residency to raise money for ourselves, for healthcare or
1070 education.

Thank you.

The Speaker: Thank you, Conseiller Makepeace.
Conseiller Harris, you had your hand up.

1075 **Conseiller Harris:** Thank you, sir, yes; and I concur with Conseiller Guille's and
Conseiller Makepeace's comments. I would like to thank the Committee for coming up with this
slightly out-of-the-box proposal, pushing the envelope slightly, maybe thinking about moving into
areas we have not looked at before.

1080 It is absolutely the case that other Crown Dependencies, other British Overseas Territories,
have residency schemes. We are a low-tax jurisdiction. That is an advantage of ours, and it is
something that we should keep, but it is something that we should take advantage of and try and
find a way to utilise.

1085 Clearly there are all sorts of projects that we might want to fund that would benefit potentially
from this kind of scheme that has the potential to make quite a lot of money potentially. We would
obviously have to make sure that it was in line with best practice and best standards as operated
in other jurisdictions, some potential pitfalls, but I think it is a great idea and I would like to thank
the Committee for proposing it. I think it is fantastic.

1090 **The Speaker:** Thank you, Conseiller Harris.
Conseiller Kennedy-Barnard.

Conseiller Kennedy-Barnard: Thank you, Mr Speaker.

1095 Although I have been a little bit critical of some of the suggestions tonight, I just thought
I would talk about the macro-perspective a little bit. It is a very difficult situation. We need
revenue generation, otherwise we cannot afford to balance the books here. That is one important
thing. At the other end of the scale, if the Island drops below a critical mass in terms of population,
it will become too hard to live, like these Scottish islands that have perished, and it will just be a
sheep farm for two or three rich landowners who have got their own boats.

1100 So there is a massive task here at hand to find the money we need to balance the books and
I would like to just thank the Committee for doing their best and at least trying to suggest some
changes or ask for ideas of how we proceed, because it should be the residents of the Island,
ultimately, who put their ideas forward and we implement those.

Thank you.

1105 **The Speaker:** Thank you, Conseiller Kennedy-Barnard.

We have probably reached the stage of summing up, I think, without wishing to curtail the
conversation. It has been a long and interesting and I think a very important debate.

Conseiller Delaney, perhaps you would like to sum up.

1110 **Conseiller Delaney:** Yes, I certainly will, Mr Speaker.

Can I express to all Members of the House who spoke this evening my own gratitude, and
I suspect the gratitude of a lot of Islanders who, if they are able to listen in on to the recordings,
can get a better insight as to what we are seeking to achieve.

1115 I am going to sum up, but I should stress, really, I think perhaps one of the purposes of chairing
a Committee is it can err more towards one's personal feelings, rather than being the Committee
speaking, if I may put it and be fair with my fellow Members. I took the Chair of the Committee
back in Easter 2021 and I described it as a poisoned chalice, noting that anybody who proposes to
rob Peter to pay Paul would be guaranteed Paul's vote. I had not realised how complex it would
be. I will put my hands up to that. And I think it has perhaps been illustrated in the House tonight.

1120 I can see people are a little tired now, we are a bit weary, but I am grateful for you, Mr Speaker,
and your support in that we do need to debate this properly. And of course the journey only starts
here. The papers go out to people and this is their opportunity, across the Island, to let us know
what they wish us to do. I am going to veer off slightly with my thoughts on the importance of this
consultation, but it is only two or three pages. I will be sitting down; we can move on in a moment.

1125 Mr Speaker, back when the British government imposed colonial rule over India, its leaders
wanted to cut down on the population of deadly cobras in Delhi. So the government offered a

handsome bounty for every cobra carcass brought to their central offices. The citizens of Delhi responded perfectly rationally and immediately set about breeding as many cobras as possible so they could claim the rewards. *(Laughter)* Of course, once the government caught on to just what the wily residents of Delhi were up to, they promptly scrapped the scheme. The breeders subsequently set their now worthless reptiles free, driving up the feral population of cobras to many multiples of their original numbers.

1130
1135 Mr Speaker, this cautionary tale highlights just how government policies that are ill-thought-through and not evidence based, and are subject to minimal stress-testing, can produce an effect that is the exact opposite of what was intended.

I am conscious that in certain circles this Committee has been subject to some criticism for not just getting on with the job and raising as much tax as it believes the people of Sark would put up with, but I believe such criticisms to be somewhat ill-informed and misplaced. Our income last year was a little north of £2 million, our expenditure was a tad south of £2 million, we banked a surplus of some £75,000. Our reserves sit around £3.5 million, heading nicely towards double our annual expenditure. Thus, we have decided to tackle this critical thread of the Island's fiscal policy in a timely and in an orderly manner; and we can do it in an evolutionary rather than revolutionary manner.

1145 And what exactly are these additional taxes required for, you might ask, Mr Speaker. Well, we are all aware of the issues surrounding electricity generation distribution on Sark and we eagerly await from Policy and Finance the fully costed proposals for a brand-new, fit-for-purpose, 21st-century generation and distribution scheme. But this has no bearing on the work of this Committee, nor should it have any bearing on the deliberations of this House in respect of raising taxes.

1150 We have been assured from the outset the project is going to be fully self-funding, as evidenced by our decision earlier this year to grant a loan of £175,000 from our general reserves for the planning stage, on the basis that it is fully repayable to the Island's exchequer if and when the project has raised the necessary finance and is given the green light from the floor of this House.

1155 But there are many real, tangible challenges coming down the road that are going to require fair and equitable increases in the Island's tax take, increases that inflation-linked rises to our current taxation mechanism simply will not deliver. Matters such as the provision of education for our children, health and social care – with particular emphasis on our ageing demographic, the oldest in the Bailiwick – infrastructure requirements, such as the incinerator replacement, a long-term solution to our sewage treatment plant and the inevitable works to repair and stabilise our world-famous Coupee.

1160 We have had and can continue to enjoy a fiscal policy that is the envy of any self-governing jurisdiction the world over. However, we have no mandate via the ballot box from the people of Sark to set about making major changes to the overall tax burden on its people. Sadly, only two Members of this House have been democratically elected via the ballot box and I know I speak for us all: we all hope this situation will be at least partially resolved by us holding our first fully contested general election since 2008 in 10 weeks' time. But we have no way of knowing or guaranteeing that this will happen.

1170 So where will we be if we fail yet again to hold a contested general election? We often see in the UK and further afield lame-duck leaders and politicians. Indeed, the phrase in office but not in power has been specifically coined to describe such unfortunates. But here in Sark we are subject to the charge of unelected leaders and politicians who are in power, but not in office, and it is justifiably levelled at us.

1175 This is why the time has come for this Committee, the Tax Review (Special) Committee, to take the lead and engage in a meaningful consultation with the people of Sark. If we, the Island's Government, have failed year in and year out to attract enough candidates to hold contested general elections, then the very least we can do is consult with the people on major policy decisions. If the consultation paper has to offer at least just a little comfort to a people who have been denied the right to express their democratic will via the ballot box for so long, then so be it.

1180 Mr Speaker, I will conclude with a simple request, and that is that all Members of this House, those attending in the Public Gallery and those listening via the internet take the time to complete and return their consultation paper and encourage as many Islanders as possible to do the same. Thank you.

The Speaker: Thank you, Conseiller Delaney.

1185 There we have it, a long and I think very important debate. Thank you for the presentation and the contributions. Thank you.

It is now 25 to seven. I think at this point I would like to call a short, five-minute recess for people to stretch their legs and to have a comfort break, and we will come back here, if we may, at 20 to seven, to resume with Agenda Item 6. Thank you very much indeed; a five-minute break.

*Chief Pleas adjourned at 6.35 p.m.
and resumed its sitting at 6.41 p.m.*

**6. Change to Mandate –
Education Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Education Committee entitled ‘Change to Mandate’.

Proposition:

That Chief Pleas approves the amended Education Committee mandate, as attached.

1190 **The Speaker:** Thank you very much indeed for getting back so promptly and we will, without further ado, move on with Agenda Item 6, which is to consider a Report with Proposition from the Education Committee entitled ‘Change to Mandate’ and I would like to ask Conseiller Rose to introduce the Report.

Conseiller Rose; thank you.

1195

Conseiller Rose: Thank you, Mr Speaker.

1200 So yes, this is a Proposition to change the Education Committee Mandate to reflect the changes that have taken place with the Board of Education, who have become the Board of Governors, and so their responsibility now is to focus on the education at Sark School, which means that the education delivered outside of the School – as in pre-school, 13-plus and homeschool arrangements – will now fall to the Education Committee. So we want to make the amendments to the Mandate to reflect this.

Thank you.

1205 **The Speaker:** Thank you, Conseiller Rose.

Does anyone have any questions or debate on this?

Conseiller Makepeace; thank you.

1210 **Conseiller Makepeace:** Yes, it is just something I do not understand, actually, and it is not a trick question. It is item 1 in the Mandate:

In conjunction with relevant stakeholders, set out a strategic vision for education on Sark and link this to the future prosperity of the Island.

I wonder if someone would be so good as to explain. I am not really sure what that means, (The Speaker: Okay.) but it is not a trick question.

The Speaker: Thank you.

1215 Conseiller Rose, would you like to answer?

Conseiller Rose: Absolutely. No, that is no problem at all. Thank you, Conseiller Makepeace.

1220 So this is for us to be considering education from the perspective of some of the things that have been mentioned tonight already; the health of keeping the community going. So knowing what the vision is going forward of the Island, and how we hope to keep it a thriving, living Island with a thriving community, and that the education plan will reflect that and support that going forward, whatever that might be.

Thank you.

1225 **The Speaker:** Thank you, Conseiller Rose.

Does anyone else have any questions for the Education Committee, before we come on to summing up and the Proposition? Any further questions, debate, regarding the Education Mandate? Okay.

1230 Therefore, let's move to the Proposition, unless you ... would you like to sum up, Conseiller Rose? No. Okay. Thank you. So the Proposition before you is as follows: that Chief Pleas approves the amended Education Committee Mandate as attached. Those in favour? Thank you. Those against? **Carried.**

Thank you very much indeed.

**Procedural motion –
Reordering of Business –
Motion carried**

1235 **The Speaker:** Before we move on to Agenda Item 7, I would like to propose that in accordance with Rule of Procedure 11, Item 21 from the Addendum be debated now. I need a show of hands that you are happy to do that. Those in favour of Agenda Item 21 being debated now, thank you. Those in favour? Those against? **Carried.**

**21. Education Fees for 2024/2025 –
Education Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Education Committee entitled 'Education Fees for 2024/2025'.

Proposition:

That Chief Pleas approves, in accordance with Education (Sark) Ordinance 2003, the prescribed fees 2024/25.

1240 **The Speaker:** So we will do, therefore, Agenda Item 21 – which is from the Addendum – which is to consider a Report with Proposition from the Education Committee entitled 'Education Fees for 2024/2025'. And once again I would like to ask Conseiller Rose to introduce the Report.

1245 **Conseiller Rose:** So amendments to the Constitution and Operations Chief Pleas Committees. The Constitution and Operations of the Chief Pleas make reference to the Chief Secretary – *(Interjection)* Oh, Item 21. Sorry. I actually did not know I was doing this! *(Interjections)* Where is it, sorry. *(Interjection)*

1250 **The Speaker:** Yes. We slotted in another Education Item. *(Interjection by Conseiller Rose)* So it is Agenda Item 21 from the Addendum, to consider a Report with Proposition from the Education Committee entitled 'Education Fees for 2024/2025'. *(Interjection by Conseiller Rose)* You have got that?

Conseiller Rose: Yes, I have got it here sorry. Thank you. Apologies, sorry, I did not realise that that was at this number.

1255 So under the provision of Rule 13 of the Rules of Procedure of Chief Pleas, we would like to consider the Report for the education fees 2024-25. This is based on our contribution that we make. Obviously it goes up each year based on what is happening in Guernsey. So it is just for you to okay that.

Thank you.

1260 **The Speaker:** Okay, there we are. There is the introduction to the Report. Does anyone have any specific questions for Conseiller Rose and the Education Committee on the education fees. Any questions; debate? No. Okay, mute on that one. So would you like to sum up Conseiller Rose, or you do you want to go to the Proposition? *(Interjection by Conseiller Rose)* Okay.

1265 So the Proposition is as follows: that Chief Pleas approves, in accordance with the Education (Sark) Ordinance 2003, the prescribed fees for 2024-25. Those in favour? Thank you. Those against? And that is **carried**.

Thank you very much indeed. That is Agenda Item 21.

**7. Amendment to the Constitution and Operation of Chief Pleas Committees –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Amendment to the Constitution and Operation of Chief Pleas Committees'.

Proposition:

That Chief Pleas approves the amended Constitution & Operation of Chief Pleas Committees, as attached.

1270 **The Speaker:** Back on to the regular Agenda, Agenda Item 7, which is to consider a Report with Proposition from the Policy and Finance Committee entitled 'Amendment to the Constitution and Operation of Chief Pleas Committees', and I would like to invite Conseiller Guille to introduce the Report.

Thank you.

1275 **Conseiller Guille:** Thank you, sir.

It is a very straightforward one, amending the Constitution and Operation of Chief Pleas Committees document, replacing any reference to 'Chief Secretary' with the new position of Senior Executive Officer; and any reference to 'Assistant Chief Secretary' with the new position of Senior Operations Officer.

Thank you.

1280 **The Speaker:** Thank you, Conseiller Guille.

Once again, does anyone have any questions or debate regarding this Agenda Item? Any questions for P&F regarding the Report that you have before you? No. Okay.

In which case, let's go to the Proposition which reads as follows: that Chief Pleas approves the amended Constitution and Operation of Chief Pleas Committees as attached. Those in favour?

1285 Thank you. Those against? **Carried.**

Thank you very much indeed.

**8. Commercial Rubbish Charges –
Douzaine Report considered –
Proposition carried**

To consider a Report with Proposition from the Douzaine entitled 'Commercial Rubbish Charges'.

Proposition:

That Chief Pleas approve the new commercial charges as outlined in the above Report.

The Speaker: Moving on to Agenda Item 8, which is to consider a Report with Proposition from the Douzaine entitled 'Commercial Rubbish Charges' and I would like to ask Conseiller Bateson, the Chairman of the Douzaine, to introduce the Report.

1290 Conseiller Bateson; thank you.

Conseiller Bateson: Thank you, Mr Speaker.

1295 The commercial rubbish charges thing has been on the go for quite some time. It actually predates my coming on to Chief Pleas at this time last year, it has been going on that long. Much of what is here is as a result of the collection of data from both the Office and from the tip about volumes of rubbish being generated and where they are coming from, and which categories generate how much, on an average, on a week and through a year.

1300 The figures and categories are based on a lot of analysis of this. It was up until January of this year, I think the deficit was £20,000. The changes that were made at the Christmas Meeting of Chief Pleas have got it down to £13,000. What obviously the Report says is that we are trying to get it so the commercial charges are not costing the taxpayer and the deficit goes and this is the purpose of the exercise.

The Speaker: Thank you, Conseiller Bateson, for that introduction.

1305 So there we have it, you have got the Report. Any questions or debate from the floor?

Conseiller Makepeace; thank you.

Conseiller Makepeace: Yes. I would just like to ask the Chairman of the Douzaine could he please tell me if any of the Members of the Douzaine recused themselves for a conflict of interest during all discussion and debate of the proposal?

1310 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Bateson; thank you.

1315

Conseiller Bateson: Yes, I can say that no, nobody did recuse themselves.

Thank you.

The Speaker: Thank you.

1320 Conseiller Makepeace.

Conseiller Makepeace: Yes. I would like to suggest that there are up to four Members of the Douzaine who in fact have strong conflicts of interest and should have recused themselves. I am referring to Conseiller Sullivan, who is the proprietor of two local cafés; Conseiller Sandra Williams, who is employed by the Old Island Hall, an active online promoter of the said premises; 1325 Conseillers Paul Williams and Le Lievre, who were involved in the Old Island Hall scandal, which we cannot go into, as it is still live. I think that they would be conflicted and should not have taken part in this debate.

1330 Because when I was still on the Douzaine, we came to an agreement that restaurants and cafés would be charged on a cover charge, similar to the hotels that are charged according to the accommodation permits allowed. So if they have 40 persons on there, they would pay per quarter 40 times the £5.47 tax. I think the categorisation of this is that it has been somehow put down as people.

1335 So without going on too much, what we have got now is a situation where a very busy restaurant would be charged as three adults, which is exactly the same as a family with one adult child. I do not see how it is fair that a family with one adult child can be paying the same as a large restaurant, because I know, for example, Hugo's last year would have three trailer loads of waste removed each week.

1340 If we are going to only charge a busy restaurant £81 a quarter, that equates to £6 a week to collect all the rubbish from busy restaurants. I am saying that we should have stuck to the original idea and we should charge per cover, and the reason I have asked if people should have been recused is because I think they do have a conflict of interest when they are the proprietor of two businesses.

1345 I think everyone, regardless of status, has to pay at least what it costs the Island to collect their rubbish. This is not just about covering the shortfall, but making sure everyone, the public and businesses alike, pay their fair share. And if it makes a profit, then good, because it can be reinvested into plants and machinery. What I am asking for is that there is some fairness, because I do not think a family out there now with one adult child is going to be best pleased when they know they are paying exactly the same as a busy restaurant to have their rubbish removed.

1350 The other point I would like to make is that in the proposal, I would like an explanation of the following point which says:

- Black Bin stickers would be required for all businesses (unless by separate arrangement).

What is that separate arrangement and who would be the beneficiary of a separate arrangement?

Thank you.

1355 **The Speaker:** Thank you, Conseiller Makepeace.

Conseiller Cragoe has her hand up. Is it relevant to that or should we answer that question first? Okay. So before we come back to the Douzaine, Conseiller Cragoe.

Thank you.

1360 **Conseiller Cragoe:** Thank you, Mr Speaker.

1365 Yes, I think that actually Conseiller Makepeace has asked most of my question, but I am puzzled by the numbers on this and also by some of the omissions. I completely do not understand how a restaurant is the same as three people or a pub is four. Just the sheer number of people going through the door and leaving waste. Similarly campsites: under 30 pitches, one adult. These just strike me as really peculiar. And I think that Conseiller Makepeace's suggestion of being more on covers or numbers of people accommodated, I just do not see how these figures have been arrived

at or how they are in any way going to really reflect the amount of work that needs to go into collecting waste.

1370 I also do not understand, there seem to me to be things missing. We have 'bike shop' but not 'shop shop', of which there are a number, and there might be a few others that are left off as well. So I am just totally puzzled by this, and perhaps the Committee can explain how they came to these numbers.

Thank you.

1375 **The Speaker:** Okay. Thank you, Conseiller Cragoe.

Conseiller Kennedy-Barnard, you had your hand up, is it relevant to this little bit of the debate, or do you want to hold back on that for the time being?

1380 **Conseiller Kennedy-Barnard:** Please continue with the flow. I have got something separate, which is about Conseillers recusing themselves.

The Speaker: Okay. We will come back to you in just one second.

Conseiller Bateson, would you like to answer those two points?

1385 **Conseiller Bateson:** Thank you.

Right, first Conseiller Makepeace's thing about recusing. Conseiller Sullivan is not a Member of the Douzaine, so he cannot recuse himself from a Douzaine meeting. I think he left some time ago. So that dispenses with him.

1390 Conseiller Sandra Williams is an employee of an establishment to whom this relates; to which is relates. I am also an employee of an establishment that pays rubbish charges. I think the recusing thing, I do not know what that is all about, and so consequently nobody was asked to recuse themselves.

1395 Conseiller, the way these figures have been arrived at is after a lot of analysis and the collection of, as I have said before, it has been analysed by the Office and they have done a lot of recording of how much rubbish comes from where, and what will happen is the black bags which they are producing, some establishments are worse than others. Some can just produce, put out 30 black bags. So they will be charged for each bag. That is what that is about and that is it.

1400 The black bags we charge for. The black bin stickers will be required for all businesses unless by separate arrangement. This relates to at least one establishment on the Island that can put out a whole trailer load of, say, 30 black bags at a time. And if that persists, then we are considering possibly doing a set charge for a whole trailer load of black bags, rather than having them go around and individually sticker each bag. That is what that is. It is not a way of people, whatever might be being suggested here, but that is the idea behind that. So that explains that.

1405 As for how these figures are arrived at, it is through collection of data and analysing it. Work in the Office, worked up with the chaps down the tip, and that is how it is. This is why we presented it.

Conseiller Makepeace, covers was discussed, but this method was decided to be the way to do it.

1410 **The Speaker:** Thank you, Conseiller Bateson.

Just one second, Conseiller Makepeace, I see your hand up there. There were also two other hands up. One was Conseiller Delaney and one was Conseiller Kennedy-Barnard. Do you wish to talk about the same issue?

1415 **Conseiller Delaney:** Mine is very brief, sir.

The Speaker: Okay. Conseiller Delaney; thank you.

1420 **Conseiller Delaney:** Very brief. Just looking at all the categories, I apologise, on the matter of
recuse, I certainly should. So I will not contribute to the debate and I will not vote.

The Speaker: Right. Okay. Thank you, Conseiller Delaney.
Conseiller Guille, before we come back to Conseiller Makepeace. Conseiller Guille; thank you.

1425 **Conseiller Guille:** I would like to make a suggestion, please. I am personally struggling to
quantify these numbers. I can understand that these are evened out over a whole year and yes, it
is very obvious to see that in the summer a pub will clearly generate a lot more rubbish than four
adults, sir, but these figures, as has been explained, have been evened out over a year.

1430 Can I make a suggestion that for Conseillers to make an informed decision, and as these relate
to charges, I do not think this would be inappropriate to be an item at the November Budget
Meeting, would it be possible for the Douzaine to come back with this Item to the November
Budget Meeting with some more supporting numbers to enable all the Conseillers here to make
a more informed decision? These are based on averages and I think that would be a fairer way for
all of us to appreciate how these figures have been arrived at.

1435 **The Speaker:** Okay. Thank you, Conseiller Guille.

So a proposition effectively there to delay this until the Budget Meeting. I personally had
wanted to try and keep the Budget Meeting exclusive for the Budget. This is relevant to the
Budget. Conseiller Bateson, what would your feeling be about bringing it back to the Budget
Meeting on 20th November?

1440 **Conseiller Bateson:** I know my personal feeling is I have got one ... There are four of us here.
Can I ask the rest of the other Members who are present, please, are you in favour of ...?
(*Interjection by Conseiller Harris*)

1445 **The Speaker:** Would you like to stand up, Conseiller Harris, please.

Conseiller Harris: Thank you, sir. My apologies.

1450 I do not mind. If the House wants us to bring it back later, then we can, but I was going to make
a comment to say we have put a lot of work into this. We could give Members a large wad of
information about rubbish that we worked through over a long period for them to examine. This
is an elegant simplification of a very large amount of data.

1455 Personally, my feeling, sir, is that we wanted to go for a system that would operate across
different types of businesses in a way that you could compare them with each other. The previous
system was very *ad hoc*, people were being charged different things for different things. So the
purpose here was to try and create a more elegant, understandable structure, and a fairer
structure. I am sure we could come back with more information. My instinct, Chair, is that I would
like to see it put through this evening, but I do not know how other Members feel.

1460 **The Speaker:** Okay. It is a vote effectively in favour of carrying on with it this evening. Just one
second, Conseiller Makepeace, I will come to you in just one second.
Conseiller Rose; thank you.

1465 **Conseiller Rose:** Yes. So also as a Member of the Douzaine, I feel like we have been making a
huge loss, it is a huge cost to the Island for us to be removing this commercial waste, and this does
not have to be the final product. We could pass this this evening and that means at least we would
be getting some income, and then we can see if that can be finely tuned or changed later. I think
we could come back with something for the Budget Meeting as well, but we might as well start
bringing in some income now from it.

1470 **The Speaker:** Thank you, Conseiller Rose.
Conseiller Makepeace, thank you for your patience.

Conseiller Makepeace: I would just like to say that I agree with Conseiller Guille that this should go to another Meeting and we should be allowed to view more data. Because I find it very hard to understand how a busy restaurant with maybe 40 or 50 covers can cost the same as a household with three people. It is just not on.

1475 If we are looking at £6 a week to collect the rubbish from a busy restaurant, that is not even half an hour for a Government employee. We are talking about covering our costs, and I do not think that is fair. Because on that basis, then, shall we turn round and say that a hotel should be charged for three beds, the same as a private dwelling that has got three persons?

1480 Thank you.

The Speaker: Thank you, Conseiller Makepeace.
Conseiller Bateson, would you like to come back on that particular point? (*Interjection by*
1485 *Conseiller Bateson*) Okay. Conseiller Williams, would you like to have a view on this?

Conseiller Paul Williams: Yes, I would like this moved forward at the moment. We need this now. To wait until the next Meeting I do not think is the way forward, I am afraid.

1490 **The Speaker:** Okay. That is two Members who are talking in that direction at the moment.
Conseiller Guille; thank you.

Conseiller Guille: Yes. Regrettably, sir, I cannot, based on the evidence in front of me, see the correlation between a pub, which we know on Sark the pubs do sell a lot of cans, so there are a lot of bins full, even in the winter they still do a fairly healthy trade. A pub versus an office only paying four times the amounts and how much waste is generated in an office week in, week out, I cannot support this unless there is some more information behind it. I obviously can hear the logic in wanting to progress this, but the Budget Meeting is not that far away and I was just trying to suggest that as a solution for everybody, for the benefit of all, sir.

1500 Thank you.

The Speaker: Okay. Thank you, Conseiller Guille.
Conseiller Kennedy-Barnard has been waiting very patiently, before I come to
Conseiller Cragoe. One second.

1505 Conseiller Kennedy-Barnard; thank you.

Conseiller Kennedy-Barnard: I just wanted to say that we made an argument earlier on that if we did not understand what the Projets that were coming through actually meant in the bigger picture, that we probably could not vote on them and proceed with them if we do not understand the consequences. I think, it is not quite a false equivalence, but if we do not understand the mathematics here, I do not see how we can vote on this. And I say that understanding the frustrations of the personnel on the Douzaine, because I am sure what they put together is very well-intentioned and they would like to expediently get this done, but I tend to agree with Conseiller Guille and Conseiller Makepeace.

1510 Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.
Conseiller Cragoe; thank you.

1520 **Conseiller Cragoe:** Thank you.

1525 Yes, I will not be voting for this at this reading either, for all the reasons just given. We just do need more information and also I think a little more comprehensive list as well. I do think it is peculiar to have bike shop but not shop, and to think perhaps ... I accept that it is seen as an elegant solution, but I think it is so elegant that I am just overwhelmed by it and would like some more information. And the Budget Meeting is not far.
Thank you.

1530 **The Speaker:** Thank you, Conseiller Cragoe.
Conseiller Harris, back to you, sir.

Conseiller Harris: Just as a point of information on that, sir, shop would be charged as office is charged, unless they fall under another category.

1535 **The Speaker:** Okay. So that is clarity on that: regular shops will be charged as per offices. Okay. So clearly there are some strongly held views on this. Conseiller Bateson, what is the view of the Douzaine? Do you want to crack on with this or do you want to pull it or go to the vote?

1540 **Conseiller Bateson:** In view of Conseiller Harris's and Williams' and myself's views on the subject, I would like to go ahead with it tonight. If it fails, then we will have to go back to the drawing board and bring it back at a later date.

The Speaker: Very good. Okay. (**Conseiller Bateson:** Thank you.)
So that is a summing up from Conseiller Bateson with regard to this Agenda Item. So I am ...
Conseiller Guille; thank you.

1545 **Conseiller Guille:** Yes. I am sorry to be late to the game with this, but the clarification of a shop being like an office being charged one adult per quarter, I think we all see the amount of packaging that comes off the pallets from cargo twice a week. There is an awful lot of plastic and paper that needs to be collected. I am struggling to see this equivalence with one person in a house paying the same amount as a shop in these circumstances.

The Speaker: Okay. Thank you, Conseiller Guille.
Conseiller Plummer; thank you.

1555 **Conseiller Plummer:** May I just ask, with our household rubbish, we have the different and we have to sort out our rubbish. That is fine. If it is commercial, are we going to be doing the same? Are we going to be sorting out our plastics from our tins, etc. and then in the black bags do send the rest? Do you know what I mean? Is any establishment going to sort out their rubbish – which is fine to do – to keep the black bag separate, so that they do not have to sort it out down the harbour; tins, bottles, etc.? I do not quite know how that would be.

The Speaker: Okay. So that is your question, a question to the Douzaine. Conseiller Bateson, would you like to answer that question?

1565 **Conseiller Bateson:** There is no immediate plan on commercial recycling yet. It has been on the books ever since recycling came in, but it is not under discussion at the moment, no.

1570 **The Speaker:** Right, okay. Clearly strongly held views on this subject. Clearly it is emotive and very important. I would just suggest, and I am just throwing this out there, this is the sort of topic, in my opinion, that really should have been discussed in a PDG meeting before being brought to a full Chamber Meeting. But that is just a personal observation for maybe consideration further down the line.

1575 We have the Proposition as it stands. You have heard some strongly held opinions in both directions. As I interpret it, if we go to the vote on this and it fails, it will be the intention of the Douzaine to bring it back, hopefully to the earliest possible Meeting, which is going to be the Budget Meeting.

Conseiller Bateson: Yes, that is correct.

1580 **The Speaker:** Right. Okay. So that is where we stand. Has anyone else got anything to add to the debate before we go to the vote on the Proposition?

Conseiller Harris; thank you.

Conseiller Harris: Thank you, sir.

1585 Just quickly, the reason I am keen to put this through this evening is because this is a clear step in the right direction. This has been a problem for a long time. Commercial rubbish has not been washing its face. As an Island we need to find ways to rationalise our expenditure and bring in what we can. This proposal does exactly that. The Douzaine has been very conscious of the public purse in coming up with this proposal, it is clearly a move forward. I think it would be disappointing if this were not passed this evening.

The Speaker: Thank you, Conseiller Harris.

Conseiller Makepeace; thank you.

1595 **Conseiller Makepeace:** Could we have a named vote on this?

The Speaker: You can have a named vote on this, yes. I think that is very sensible, quite frankly. Conseiller Plummer.

1600 **Conseiller Plummer:** Could I just ask, sir, I have a shop, as you know, do I declare an interest?

The Speaker: There is a good point. My response to that is probably yes, being straight down the line, a pecuniary, commercial interest. Can I have a vote on this, Conseillers: those people in the room who will be happy for Conseiller Plummer to remain and vote on this, given the fact that she has declared her commercial interest, pecuniary interest? Can we have a quick show of hands as to whether you would approve of Conseiller Plummer being able to remain and vote on this? A quick show of hands. Those in favour of Conseiller Plummer remaining and voting? Four. Those who would prefer Conseiller Plummer not to vote on this? Three. Borderline decision, really. It looks like four votes in favour, three votes against, and a number of abstentions.

1610 Let's go to the vote one more time on that. Can I have a really good show ...? Okay, two comments first. Conseiller Rose first, followed by Conseiller Cragoe. Thank you.

Conseiller Rose.

1615 **Conseiller Rose:** I was just going to say, although Conseiller Plummer owns the shop and runs the shop, many of us here work in companies that will be affected by this, so there is lots of conflict of interest in the room.

The Speaker: Okay, that is a point from Conseiller Rose.

Conseiller Cragoe.

1620

Conseiller Cragoe: Yes, I was going to make a similar point that I think there are many more conflicts simply than Conseiller Plummer. Of course probably the whole first row, among other things, and guesthouses and other businesses. It does not leave very many of us who do not fall into one of these categories.

1625 **The Speaker:** So you would be in favour of Conseiller Plummer remaining and voting?

Conseiller Cragoe: I think it is not an *ad hominem, ad feminam*. If Conseillers are declaring interests, then everyone needs to declare interests, or not, as the case may be, (**The Speaker:** Okay.) if we are going to do that. But I am not sure I think that is necessary.

1630

The Speaker: Right. We appreciate Conseiller Plummer's honesty. Thank you for that. Conseiller Miller, you had your hand up.

1635 **Conseiller Miller:** Yes. I think I have got a conflict of interest on self-catering and campsite, so that rules me out.

The Speaker: Okay. I think Conseiller Delaney was saying something similar when he spoke earlier, so clearly a number of conflicts amongst Conseillers here. So do they all recuse themselves from this or should we allow them to remain and vote?

1640 Conseiller Kennedy-Barnard; thank you.

1645 **Conseiller Kennedy-Barnard:** One quick problem I see, if we were to proceed with everyone included in this vote, is that I think the Island badly needs a culture where Conseillers actually recuse themselves. No matter how large or small the conflict of interest may be, we need that culture badly in terms of good governance. I can think of decisions in the past that have gone through and I have had big questions about those.

So it does not make a moral sense or an ethical sense for us to continue with everyone included in the vote and I say that with the full understanding that it probably involves quite a few people, and it creates a problem in itself.

1650 Thank you.

The Speaker: Okay. Thank you, Conseiller Kennedy-Barnard.

1655 I am going to throw the devil into this one and ask where do we draw the line? Where do we draw the line, here? With all due respect to the Chairman of the Douzaine, who works at the Gallery Stores, and they would be included in this schedule, is that a conflict of interest?

Conseiller Harris, do you have a view on that?

1660 **Conseiller Harris:** I do, sir. I am thinking in real time, actually, which may be a bad thing, but it occurs to me that there are all sorts of topics that we discuss – having just abstained in that last vote, by the way, but I have changed my mind – there are all sorts of topics on which we might have cross-cutting interests. This is not about a specific business. What we are discussing here is a general policy.

1665 So my instinct, having thought it through, is that because it is a general policy, it would be wrong for Members to feel that they had to recuse themselves, in the same way that we are all taxpayers. If we were talking about taxes, it would be wrong to suggest that the people who do not pay taxes or do pay taxes should recuse themselves. My instinct is it is a general policy and that therefore we perhaps do not need to ask them to recuse themselves.

1670 **The Speaker:** Right. Okay. That is the view of Conseiller Harris. Conseiller Delaney; thank you.

Conseiller Delaney: Yes, thank you, Mr Speaker.

1675 I suppose my issue is that if I do not recuse myself, then I would have contributed to debate quite strongly this evening, and I think the public would have had every right to say, come on, there is not a listing on there that one way or another does not come into the day job, so to speak.

So I think my position has to – it is not the smell of burning martyr – stay the same, that I stay recused.

Thank you.

1680 **The Speaker:** So we are hearing all these views. I am inclined to go to a named vote and there will be three options. There will be those in favour of the Proposition, those against the Proposition and those who are no voting. And one presumes if you no vote, it means you do not necessarily want to be conflicted in either direction.

Conseiller Guille, would you like to bring some clarity to this?

1685

Conseiller Guille: Yes. I think it is pretty clear that business owners should recuse themselves from something like this. I think it is only fair on themselves to avoid criticism and I need some clarity on where we are with being quorate, if what I am seeing is three people wanting to recuse themselves. That brings us down to nine.

1690

A Member: Still quorate.

The Speaker: Just quorate.

1695

Conseiller Guille: We're just quorate.

The Speaker: Nine people is just quorate.

Conseiller Guille: Just quorate. Okay, thank you.

1700

The Speaker: Okay.

Conseiller Paul Williams; thank you.

1705

Conseiller Paul Williams: I am afraid I will have to recuse myself as well, then. I have two businesses that generate that kind of rubbish, so yes.

The Speaker: We are now down to eight, so we are not quorate. There is a challenge.

The Seigneur: It has to be pulled.

1710

The Speaker: That is a challenge. So I think we have got pull it, quite frankly. If we have got four people who are conflicted and have admitted openly to that – thank you for that – and only eight remaining, then we are not quorate for this vote. So the status quo has to maintain and we have to remove this Report and this Proposition, and I would therefore strongly suggest that it is then brought back to the earliest possible Meeting, which I would see is the Budget Meeting, in order that it can be dealt with. It cannot be kicked down the road, it has to be dealt with and I think that is probably going to be the best way to deal with it, as unsatisfactory as that might appear. But I think under the circumstances, that is where we are heading.

1715

Has anyone got any final comments to make before I ask the Douzaine to withdraw the Report and the Proposition? Any further comments?

1720

Conseiller Bateson, would you like to perhaps sum up?

Conseiller Bateson: No, nothing really to sum up. I would say quite happily withdraw it in the circumstances; it has to be done. And we shall bring it back at a later date, hopefully in a clearer format.

1725

Thank you.

The Speaker: Thank you for that. And once again, we are saying with Agenda Item 8 that the Report and the Proposition is being withdrawn to be brought back at the next convenient Meeting. That is what is being proposed. Thank you to the Douzaine for that. Thank you for putting your points of view.

I would once again – touched on it earlier – perhaps suggest that between now and the Budget Meeting, I would strongly encourage, I can do no more than that, that a PDG meeting should take place where this particular Agenda item can be discussed in the PDG meeting. Because with all due respect to the Public Gallery, whilst I am sure they are fascinated by the debate, I think some of the detail on this should be thrashed out in a PDG meeting, quite frankly. That is my opinion.

So just to sum up, Agenda Item 8 has been removed by the Douzaine to be brought back at a future Meeting, hopefully the Budget Meeting on 20th November. So that is withdrawn. Agenda Item 8 is withdrawn.

9. Rubbish Incineration – Douzaine Report considered – Proposition carried

To consider a Report with Proposition from the Douzaine entitled ‘Rubbish Incineration’.

Proposition:

That Chief Pleas directs the Douzaine to further investigate the acquisition of a new incinerator and to return to the Budget Meeting of Chief Pleas with details.

The Speaker: Agenda Item 9, rubbish incineration: to consider a Report with Proposition from the Douzaine entitled ‘Rubbish Incineration’. Once again, Conseiller Bateson, would you like to introduce the Report?

Conseiller Bateson: Thank you, Mr Speaker.

I have not really much to add to the Report. The intention was to bring to everybody’s attention the parlous state of rubbish burning on the Island. It has not just happened overnight, I can assure you. The incinerator situation is that we really have not got one proper functioning incinerator, and even if the one that was functioning was functioning properly, that does not have the capacity to deal with all the burning on the Island. Consequently, we do have to do open burning to get rid of the rubbish.

This needs to be brought to the attention of Chief Pleas and to the people of Sark. This has not happened in since Easter Chief Pleas, this has been going on for years this problem and it needs addressing. But the problem is it has got to be the expense ... *[Inaudible]* So we are asking Chief Pleas to decide whether we go down the route of open burning or whether we look for a new incinerator, and that is it.

Thank you.

The Speaker: Thank you, Conseiller Bateson.

Debate and consultation on this. We will start with Conseiller Makepeace at the back, and then Conseiller Guille and Conseiller Delaney.

Conseiller Makepeace first; thank you.

Conseiller Makepeace: Thank you, sir.

I would like to say that I am sure most of us are aware of the dangers to the public and the harm to the environment caused by open burning, and I feel it is something we should not be considering in the future. However, I have great sympathy for the Chair of the Douzaine and in

1770 fact the Douzaine Members. Because they are in a very difficult situation there, whereby the
Chairman is correct in saying that we are overwhelmed with rubbish. The amount of Amazon
boxes, for example, that we get these days has been such a dramatic increase in that we physically
cannot cope with the amount of rubbish. So burning has to take place.

And as unfortunate as it is, until we can invest in a new incinerator which can actually handle
the amount of waste that we are producing, we are stuck with this. The only upside, I suppose, is
that we will be making a saving by not running the second incinerator on the diesel fuel. However,
I do not know whether that is significant or not.

1775 Thank you.

The Speaker: Thank you, Conseiller Makepeace.

Conseiller Guille, followed by Conseiller Delaney, followed by Conseiller Cragoe in a second.
Conseiller Guille; thank you.

1780

Conseiller Guille: Thank you, sir.

I realise this is one of those thorny subjects and I would like to thank very much the current
Chair of the Douzaine and the current Douzaine for progressing this matter. I was wondering if
there are any indicative figures, ballpark, that we are looking at at the moment, just for
information, to get us in that sort of area. But regardless, I will be fully supporting the Proposition
that is set before us.

1785

Thank you.

The Speaker: Thank you, Conseiller Guille.

1790

Would you like to answer that, Conseiller Bateson?

Conseiller Bateson: Thank you; I would.

We are asking for permission to obviously investigate the acquisition of a new incinerator and
return to the Budget Meeting. We have actually been in contact with the people who supplied the
Matthews incinerator. They quoted us a new model of something similar to which we have, which
would be a bit pointless getting it because, in my opinion, it cannot cope with the amount of
rubbish that is required to be burned.

1795

To get something of the same capacity as the original incinerator would be somewhere in the
region of £160,000 ex works, but there is one which would process three times more than that
one and consume less fuel, and that one has been given ex works as £285,000. So that is just a
start. If we are seriously thinking of going down this road, we are not going to go off the first quote
we get. We have got to shop around and see if we can do better than that. But really, we need
the approval of Chief Pleas to go ahead and start looking at these things.

1800

The Speaker: Thank you for that clarification, Conseiller Bateson. That answers
Conseiller Guille's question.

Conseiller Delaney, I think you had your hand up, and then Conseiller Cragoe; thank you.

1805

Conseiller Delaney: Yes, I certainly did.

Very straightforward: I will be supporting the Proposition. I am very pleased and I must say
I am not surprised with Conseiller Bateson's approach, that he is not going to come and tell us
what we want to hear, 'We can get the cheapest model.' I would not even patronise him by saying
I would encourage him to look across the broad spectrum of what is available, he is clearly doing
that already. We cannot carry on doing what we are doing and we really go back to subjects we
were covering earlier in why we are going to have to make some changes on taxation.

1815

Thank you.

The Speaker: Thank you, Conseiller Delaney.

Conseiller Cragoe, thank you, you had your hand up.

1820

Conseiller Cragoe: Thank you very much.

Yes, I am in support of this as well. I have a comment and a question. The comment is really that I hope that in searching for a new incinerator you will search out one that is as green as possible and has as many emission-relating functions as possible. The billowing clouds of black smoke at the harbour are really rather depressing and do not encourage anybody to think, 'Ooh, what a lovely green island.'

1825

The other question is ... it is partly raised by Conseiller Makepeace, but also by something else that I have read recently and this is burning Amazon boxes. I lovingly, carefully squish my Amazon boxes and put them in my clear bag. Does that mean that my clear bag goes in the incinerator? And if so, why is not it going off Island to be recycled?

1830

The Speaker: Thank you, Conseiller Cragoe.

Would you like to come back on that question, Conseiller Bateson? Are you able to?

1835

Conseiller Bateson: All I can say is as far as I am concerned, the cardboard is recycled. And if it is not being recycled and being burned, I am not aware of that.

The Speaker: Okay. Thank you for that.

Back to Conseiller Cragoe.

1840

Conseiller Cragoe: Yes, could I just follow up on that? I think this is partly something that was raised by a constituent, that this person understood that the recycling was being burned, the paper waste was being burned. Can you confirm that that is or is not the case?

Thank you.

1845

The Speaker: Once again, back to yourself, Conseiller Bateson.

Conseiller Bateson: Sorry, I thought I have just said that. No, as far as I am aware, the cardboard and paper is being recycled. If it is being burned, I am not aware of that.

1850

Thank you.

The Speaker: Okay. That is the response there.

We have got two more hands up. We will come to Conseiller Makepeace first, followed by Conseiller Kennedy-Barnard, thank you.

1855

Conseiller Makepeace.

Conseiller Makepeace: I may have actually made a mistake there when I referred to the Amazon boxes, because I think Conseiller Bateson is quite correct. I am not aware that any of the recycling is being burnt. I used an example to illustrate the amount of extra goods that we are getting in. So Conseiller Bateson is correct. I am certainly not aware of any recycling materials being burnt.

1860

Thank you.

The Speaker: Thank you for clarity on that.

1865

Conseiller Kennedy-Barnard; thank you.

Conseiller Kennedy-Barnard: Thank you, Mr Speaker.

I have a slightly tangential question. I know time is ticking on here and I am trying to be as quick as possible. One thing I have observed, and I could be wrong, and there could be a simple

1870 explanation for this, but is there a way that we could do the burning, which obviously is suboptimal, at a time when we have not got the highest tourist footfall?

The amount of times on a Saturday or a Sunday there seems to be the black smoke or the ash dropping seems to be quite high in my opinion. I do not have any data, it might be an anecdotal observation, but it seemed to me, if there is a way we could schedule it at a certain time of the week when there were not the most tourists on the Island, that would probably be better for tourism.

Thank you.

The Speaker: Thank you, Conseiller Kennedy-Barnard.

1880 Would you like to come back on that one, Conseiller Bateson?

Conseiller Bateson: There is a problem with the open burning, is obviously the wind direction and strength comes into it and it is also you cannot store too much, otherwise the quarry gets overburdened and they cannot work in it. And you end up with an enormous pile, which is one that you cannot deal with. It is not as straightforward.

1885 I think the foreman does make an effort to minimise the disturbance to the tourists, but on some occasions it does not work. On some occasions the burning goes out and then it self-combusts later on and starts up again. I am sure the foreman attempts to keep it to a minimum, but it does not work, and we are all aware this is not acceptable.

1890

The Speaker: Thank you, Conseiller Bateson.

That is a sort of summing up, quite frankly, I think. Before we go to the Proposition, does anyone else have any comments they would like to make? Okay.

1895 Right, in which case, I will therefore read from the Proposition, which is that Chief Pleas directs the Douzaine to further investigate the acquisition of a new incinerator and to return to the Budget Meeting of Chief Pleas with details. Those in favour? Thank you. Those against? **Carried.**

Thank you very much indeed.

10. Sewage Plant – Douzaine Report considered

To consider an Information Report from the Douzaine entitled 'Sewage Plant'.

The Speaker: The Douzaine are busy at this section. So Agenda Item 10, which is to consider an Information Report from the Douzaine entitled 'Sewage Plant'. Once again, Conseiller Bateson, you are a busy man. Over to you to introduce this Report.

1900

Conseiller Bateson: Thank you, Mr Speaker.

1905 As most of us are aware, the sewage plant has not been working for quite some time. I do not know how long. Again, it is one of these things that kicked off before I came into Chief Pleas last year, been going on. We have looked at options. The Douzaine at the moment have done some minor repairs to the system. They have got two tanks working and we should be having a certain amount of treated sewage now being discharged, rather than all the sewage being discharged raw into the sea. It has not cost us a great deal to do this.

1910 If we are going to refit, if this is going to be our option, we will need to probably spend more money. We will have to budget for it then. The work we have done recently has cost less than £1,000 to get the first two tanks on the sewage system. It is just so people know, there is not a Proposition with this, what we are doing is just letting people know that we are working on it. We are trying to get the existing system back up and running, because we have had one quote for the

1915 new system and, quite frankly, just short of £800,000; £792,005.25, actually. But yes, £800,000, as good as, really, for a new sewage system.

So in view of that quote, we are going to see if we can get the old one going first, and if not, we will have to come back and think of another plan.

The Speaker: Okay. Thank you, Conseiller Bateson.

1920 This is an Information Report. Conseiller Makepeace, thank you.

Conseiller Makepeace: Yes. I would say I think that is quite misleading, what Conseiller Bateson has said. The overall cost of a new sewage plant would be around £800,000. However, the most important part is the screening of the sewage, and to provide equipment for that would cost
1925 around £70,000.

I would just like to say that currently we are discharging around 1.5 million gallons of raw, untreated sewage over the cliff and into the sea each year. The Report states:

An inspection of the existing facility indicated that if a repair was undertaken it would bring two of the tanks back into operation and so bring an end to, or at least reduce the discharge of untreated effluent. This phase of the work has been carried out within the existing budget ...

I would just like to say what fact-based evidence do you have that this repair has actually done what you claimed it should?

1930 What by that is that I took the time to speak to Guernsey Environmental Health, who explained in great deal what the process should have involved. They said, 'After discharging untreated sewage for so many years, an impact risk assessment has to be carried out on the area where the sewage is being tipped to determine the level of pollution in place. The only way to substantiate the claim that it has improved or actually been fixed' – according to Guernsey Health – 'would
1935 have to be conducted through a thorough testing of the discharge of the effluent over the cliff before and after the repair and the results analysed.' Otherwise, it is just a comment that we have fixed it.

I also spoke to Tim Cunliffe, the CEO of Aqua Nero Water and Energy, who is a leading UK expert in sewage treatment and disposal and who has extensive experience of installing reedbed and sewage systems in Sark. Mr Cunliffe was the person who put together the report with the proposals. I forwarded Tim the details of the so-called improvements to the tanks.

1940 Mr Cunliffe gave a detailed explanation in which he said that, 'All this would do is for the tanks to act as settlement tanks. This would reduce the amount of solids, however the actual strength and amount of the effluent would not change and we would still be discharging the same untreated sewage over the cliff.' He added that, 'These so-called repairs can never work without proper initial screening machinery in place and ultimately secondary treatment in the form of a biologically aerated sewage treatment plant, similar to what SEM have on various sites.'

1950 I think it is unsafe for us to proceed without relevant data that what we are doing is actually making a difference, because we may have two tanks back in operation, yet the tanks have a capacity of 20,000 gallons per tank. In the summer, we are producing 50,000 gallons of waste. So the simple maths tells you that the sewage is passing through without having the time to be treated. So that is what I think we should consider.

Thank you, sir.

1955 **The Speaker:** Thank you, Conseiller Makepeace.

Conseiller Bateson, would you like to come back on any of those points?

Conseiller Bateson: No, thank you.

1960 **The Speaker:** No. Okay. Thank you.

Conseiller Guille; thank you.

1965 **Conseiller Guille:** Yes. I am hearing what Counsellor Bateson has said and in the light of the costs involved, some progress is better than none. And I would like to thank the current Chair of the Douzaine and the current Douzaine for making progress on this matter, which has been stalled for far too long. It is a shame more effort was not put into this a long time previously, but thank goodness this tricky subject is now being grasped, and however small the steps are, progress is being made.

1970 **The Speaker:** Thank you, Conseiller Guille.
Conseiller Delaney in a second. Conseiller Makepeace; thank you.

1975 **Conseiller Delaney:** I would question whether progress has been made, because all we are doing, instead of the raw sewage going through a pipe directly into the sea, now the same raw sewage is going into a holding tank or settlement tank and then is going into the sea. But there is no actual difference in the quality of the raw effluent that is coming out. So I fail to understand how that is actually progress.
Thank you.

1980 **The Speaker:** Thank you, Conseiller Makepeace.
Conseiller Delaney.

Conseiller Delaney: Thank you, Mr Speaker.
I would merely ask whether the Chair of the Douzaine would give some consideration to he and his Committee at least investigating what a new plant would cost. I know we have had the one set of figures, but it does strike me, whatever we do at the moment, we are probably going to be back here in a year's time; a couple of years' time.

1990 It does strike me as a short-term fix. That is not a criticism, but I go back to what we are trying to plan around our fiscal policies for the years ahead and I think it would be nice, even if we do not go down that road, to know what the damage would be if we did want to replace the sewage plant with something more modern and perhaps a range of options. I do not ask him to answer me tonight. I am just asking that he and his Committee give some consideration to do some investigation on this, please.
Thank you.

1995 **The Speaker:** Thank you, Conseiller Delaney.
Conseiller Harris; thank you.

2000 **Conseiller Harris:** Thank you, sir.
Just as an additional point of information for Members, I understand that there is a chemical, is it Ensol? There is a chemical agent which is available which is going to be used. So it is not simply a physical treatment, a settlement. There will be a chemical aspect to the treatment before it is discharged.

2005 **The Speaker:** Thank you, Conseiller Harris.
I am going to go Conseiller Williams first, followed by Conseiller Makepeace.
Conseiller Williams; thank you.

2010 **Conseiller Paul Williams:** The product that now is running into the sewage is called BioMagic. Anybody who wants to look it up and find out exactly what it does, which in fact is clean the sewage before it now goes over the cliff, is what we are using now. The plant has been up and running for just a week with that stuff in it.

So it is got to take a little time for it to fully get up to speed, but it is certainly cleaning the sewage at the moment. If you want more details, we can look into it. There is much

2015 correspondence from Guernsey that we found out about this product and how it works, but it is well worth anybody looking it up: BioMagic.

The Speaker: Thank you, Conseiller Williams. That is BioMagic. Thank you.
Conseiller Makepeace, back to you.

2020 **Conseiller Makepeace:** There is one way to prove all this and this would be to have an analysis of the sewage beforehand, which I understand the Douzaine did not do, and then an analysis of the effluent going over the sea after the BioMagic. Because anything else is just ... it is a throwaway comment, isn't it? 'We've improved it, this does this.' Without actually analysing the results before and after, we do not know what difference it has made.

2025 Thank you.

The Speaker: Thank you, Conseiller Makepeace.
Conseiller Bateson. Just one second, Conseiller Williams; Conseiller Bateson first.

2030 **Conseiller Bateson:** In reply to Conseiller Makepeace, all we have done at the moment is try and institute what was happening before we had a leak in one of the tanks, which was allowed to languish for I do not know how long before anybody addressed the problem. So what we are doing now is more or less the same treatment that it has been having up there for many years before that tank failed, which is putting it into the tanks and treating it with something like BioMagic.

2035 We are not claiming it is any better than the BioMagic that was before, but it is certainly better than putting raw sewage over the cliff, which has been going on for far too long.

The Speaker: Thank you, Conseiller Bateson.
Conseiller Williams, you had a point to make?

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Conseiller Paul Williams: The point has been made, sir.

The Speaker: Okay. So echoing that.
Back to yourself, Conseiller Makepeace. Thank you.

2045

Conseiller Makepeace: I just think it is debateable whether it is better. We do not have any factual evidence, we do not have any data, it is just a throwaway comment.

Thank you, sir.

2050 **The Speaker:** Thank you, Conseiller Makepeace.

Once again, this is an Information Report updating Chief Pleas on where we are up to. Once again, I would also suggest that maybe it is a topic for PDG to look at and consult on before you perhaps bring it back to Chief Pleas. There is a broad range of opinion about what is and is not working, so I would strongly encourage you to perhaps discuss it at PDG before it is brought back to a future Meeting of Chief Pleas. *(Interjection by Conseiller Makepeace)*

2055

Yes, Conseiller Makepeace; thank you.

Conseiller Makepeace: Just one more point. I further spoke to Guernsey Environmental Health and they actually had a water pollution ... The argument always is that Guernsey tips their waste over the side, bah, bah, bah. However, Guernsey's waste is treated. In October 2023, a water pollution law came into effect in Guernsey. This Ordinance provides for the first time for the licensing of discharges into the sea, where companies apply for a licence and they are monitored of the quality of the water or the effluent that goes into the sea. This then establishes water quality standards for surface water and groundwater and replaced the 1989 Prevention of Pollution Law.

2065

Thank you, sir.

The Speaker: Okay. Thank you for that point.
Conseiller Bateson, would you like to sum up?

2070 **Conseiller Bateson:** No thank you, I think ... [*Inaudible*] all been said, really. It was an Information Report about what is going on up at the sewage plant, now you know.
Thank you.

The Speaker: Okay. So I am sure you have taken on the comments, the good, the bad and the indifferent, but thank you for that Information Report.

11. Relocation of the Incinerator – Douzaine Report considered

To consider an Information Report from the Douzaine entitled 'Relocation of the Incinerator'.

2075 **The Speaker:** You are back on your feet again, Conseiller Bateson, because Agenda Item 11 is also to consider an Information Report from the Douzaine entitled the 'Relocation of the Incinerator'. Conseiller Bateson, over to you.

2080 **Conseiller Bateson:** Thank you, Mr Speaker.
It is the relocation of the incinerator and incineration, really. It ties in with the incinerator situation. The open burning will always be required to a certain extent, unless we have got an incinerator that is big enough to deal with some of the large pieces that come from the building industry. So there will always be a minor bit. It is the location of it and at the moment it could not be in a worse place, just on the harbour. But the only other place possible to do this open burning
2085 would be at Les Lâches. This is not the first time anybody has suggested doing this. A lot of the stuff on the Douzaine has been being suggested for the last 20 years.

So we put it out to Chief Pleas and to the public. Ideally it would be a better place to be burning rubbish at Les Lâches and having an incinerator up there, if that was possible, out of sight and not down the harbour where all the tourists come. But we want to put it out to the public, because
2090 I am sure there will be people who will not be happy with that. This is the purpose of this and that we are inviting people to give submissions on this one and say whether it is a good idea or a bad idea.

Thank you.

2095 **The Speaker:** Thank you, Conseiller Bateson, for introducing the Report.
So any comments or debate? Conseiller Makepeace; thank you.

2100 **Conseiller Makepeace:** Yes, I would just like to make a comment and actually the following comments I would have to thank the Seigneur for, because I have lifted it from an article that he wrote or made a couple of years ago, and this is, in my words, the Seigneur's article: it would be nice to think that we could have a brand-new incinerator, and it could be relocated to Les Lâches, and perhaps to have a brand-new sewage plant and electricity grid. However, it is difficult to see how we can move forward and achieve any of this without a proper future Island Plan in place.

2105 We seem as a Government to be stumbling along day-to-day problems, spending almost no time planning for the future. We do not have any Government policies in place except for perhaps education. There is no energy policy or employment or housing or the economy or anything that is forward looking. Until we actually have an Island plan in place, we are just going from topic to topic. Shall we relocate the plant? Should we do this ...?

Thank you.

2110 **The Speaker:** Thank you, Conseiller Makepeace.

Has anyone else any observations on this Report that you have got before you regarding the relocation of the incinerator? Okay. So you have heard what has been said. Conseiller Bateson, do you want to sum up or just ...? No. (*Interjection by Conseiller Bateson*) It stands as it is. Okay.

2115 So you have got the Information Report before you. The Douzaine are welcoming any submission on this subject. So both Conseillers and, please, members of the public, if you have got any views on this, will you let the Douzaine have them, because they will need to be able to plan for the future.

Okay, let's move on from waste, let's move on from Agenda Item 11.

**12. Appointment of a Managing Director of the Isle of Sark Shipping Company Limited –
Policy and Finance Committee Report considered –
Proposition carried**

To consider a Report with Proposition from the Policy and Finance Committee entitled 'Appointment of a Managing Director of the Isle of Sark Shipping Company Limited'.

Proposition:

That Chief Pleas approves the appointment of Mr Mark Roffey as Executive Managing Director of the Isle of Sark Shipping Company Limited.

2120 **The Speaker:** Let's move on to Agenda Item 12, which is to consider a Report with Proposition from the Policy and Finance Committee entitled 'Appointment of a Managing Director of the Isle of Sark Shipping Company Limited' and I would like to ask Conseiller Guille to introduce the Report. Thank you.

2125 **Conseiller Guille:** Thank you, sir.

This is to approve the appointment of a new Managing Director for Isle of Sark Shipping. Just supplementary to the Report, myself and Conseiller Miller actually met Mr Roffey in Guernsey some weeks ago and we were both very encouraged by the sentiments he expressed about the company and the various ideas he had to move it forward. And the overall sentiment that the Sark Shipping office in Guernsey is the first part of Sark, the Sark experience that visitors will see and we would like to recommend the approval of this appointment.

Thank you.

The Speaker: Thank you, Conseiller Guille.

2135 Does anyone have any comments or observations before we move on to the Proposition attached to this Report? Okay, let's press on.

The Proposition says that Chief Pleas approves the appointment of Mr Mark Roffey as Executive Managing Director of the Isle of Sark Shipping Company Ltd. Those in favour? Thank you. Those against? That is **carried**.

2140 Thank you very much indeed.

**13. A Study of Water Supply in Sark –
Policy and Finance Committee Report considered**

To consider an Information Report from the Policy and Finance Committee entitled 'A Study of Water Supply in Sark'.

The Speaker: Agenda Item 13, which is to consider an Information Report from the Policy and Finance Committee entitled, 'A Study of Water Supply in Sark' and once again I would like to ask Conseiller Guille to introduce this Report.

Thank you.

2145

Conseiller Guille: Thank you, sir.

Members of the public will be aware of this Report for some time. We managed, whilst not a proper paper, to get a Verbal Statement to draw attention to the Report being on the website at the Midsummer Chief Pleas. This is the formal presentation of the Report.

2150

We are working, the Civil Service are working, with members of the Société and Dr Clarke to bring some proposals to Christmas Chief Pleas, hopefully not only to implement some of the water quantity monitoring measures that Dr Clarke has recommended, but we would also hope to also bring in some monitoring measures concerning water quality as well.

2155

So this is an Information Report to bring more awareness to this Report, which is on the website and I would still encourage members of the public to read it. It is an excellent Report. It talks about the future water resource in Sark. Certainly talking to some of the companies and consultants who we have come across working with the renewable energy sector, who have had experience on islands, they say water resource is also a very hot topic on many islands across the world.

2160

And this Report does drill down into numbers of population. It talks about maybe 700 being a sensible number of what the Island can support at the moment. It says that more monitoring will be required to build up a more accurate picture and like I said, we hope to bring some Propositions to Christmas Chief Pleas on those fronts.

Thank you.

2165

The Speaker: Thank you, Conseiller Guille.

Does anyone have any comments or observations? Conseiller Makepeace; thank you.

2170

Conseiller Makepeace: I have read the Report in great detail and it is an excellent Report. Just one slight error that I noticed, and this was the section 'New builds and renovations'. The section of the Report 'New builds and renovations', there is a suggestion of a water development fee for new builds, which actually contains an error in the calculation.

2175

The Report states that if Sark's population were to increase by 50%, then homes for 300 extra people would be required. This will equate to 130 new homes. The Report suggests an introduction of a water development fee of £2,500 per home, and suggests that £750,000 could be raised from the fee on 300 homes. However, it is not 300 homes, it is 300 people living in 130 homes. So the fee raised would be £325,000.

Thank you, sir.

2180

The Speaker: Thank you, Conseiller Makepeace.

Do you want to come back on that point, Conseiller Guille? No. It has been noted. Thank you. Does anyone else have any comments or observations about the Report?

Conseiller Plummer; thank you.

2185

Conseiller Plummer: Since a child, I have always been very interested in the study of the waterways in Sark and I found this Report really interesting. I would encourage anybody to ... But I was wondering if notes could go up in the toilets or hotels, restaurants, near the basins, baths, showers, etc., reminding people that Sark is very precious of its water during the summer months.

2190

The Speaker: Thank you, Conseiller Plummer. Thank you very much indeed.

Once again, does anyone else have any comments or observations about the Report before you? As I said, it is an Information Report and if anyone has got any observations, please raise them with P&F.

2195 So that is Agenda Item 13. We have been at it now for almost three hours, let's carry on, and I do not want to minimise anything that is coming up.

14. Handling of Complaints against the Constable - Progress Report – Douzaine Report considered

To consider an Information Report from the Douzaine entitled 'Handling of Complaints against the Constable – Progress Report'.

The Speaker: Agenda Item 14 is to consider an Information Report from the Douzaine entitled 'Handling of Complaints against the Constable' and I would like once again to ask Conseiller Bateson to introduce the Report.

2200 **Conseiller Bateson:** Thank you, Mr Speaker.

This is an Information Report, just giving an update on where we have got to with sorting something out for the handling of complaints against the Police and as the Report says ... Oh, I must apologise, first, before I go any further. In the second paragraph, 25th March 2025 should be 2024. I will be returning to that.

2205 There has been a meeting so far between the Douzaine – or the Douzaine Chair – Mr Hardy, who was the outgoing Head of Enforcement over in Guernsey. They are being very helpful and enthusiastic about us going off Island and using their system, but this needs further looking at.

2210 Mr Hardy is retiring soon. Hopefully Mr Kitchen, I think is his name, who is replacing him would do the same. We had planned a meeting with them, with Mr Hardy, on 4th October, but it had to be postponed because they are busy over there with other stuff.

So this is to give an update. It is still going on, we are hoping that we can get something off Island and hopefully use their police complaint system, so we know then it is going to be nice and impartial and professional.

Thank you.

2215

The Speaker: Thank you, Conseiller Bateson, for introducing that Information Report. Any comments or observations from the floor? Conseiller Makepeace; thank you.

Conseiller Makepeace: Thank you, sir.

2220 I understand the Meeting referred to by the Chairman of the Douzaine with Mr Hardy on 25th March this year was attended only by myself and yourself, Mr Speaker. I am keen to know if any other face-to-face follow-up meetings have taken place, because it is seven months since the original meeting took place, and it is a year since the Douzaine came to Chief Pleas and lost the Propositions regarding complaints against the Constables.

2225 I am concerned that at the moment we do not have anything in place. And why has it taken so long? Why has it taken seven months and there has not been a follow-up appointment or anything else? To talk of later we are going to have a meeting, but it looks to me like no further progress has been made since myself and yourself had the meeting.

Thank you.

2230

The Speaker: Thank you, Conseiller Makepeace. I can confirm that meeting did take place in this very room back in March.

Conseiller Bateson, would you like to come back with that?

Conseiller Bateson: Yes. Paragraph three:

Since the first meeting there has been an exchange of information which has led to the next step.

2235 So what has happened is the Office now have taken ... Michael has taken this over and he has been in contact with I think Mr Reeves he has been in contact and Mr Hardy as well. So yes, there has been contact through the Douzaine, through the Office, with them and I said there was intended to be a meeting in two days' time, which unfortunately has had to be postponed.

2240 Why has it taken seven months to do this? I do not know where he gets seven months from on that one.

Conseiller Makepeace: Well, in-between meetings, because the last meeting was 25th March.

2245 **Conseiller Bateson:** We've been –

The Speaker: One second –

Conseiller Makepeace: Excuse me, sir.

2250 **The Speaker:** [*Inaudible*] ... one second. Conseiller Bateson, carry on; I will come to you in a second, Conseiller Makepeace.

Conseiller Bateson: Thank you.

2255 We have been in this situation now since I think Easter 2020, when the Police Panel packed in. We have been in this situation since then. It has not been for seven months; been for considerably longer.

The Speaker: Thank you, Conseiller Bateson.
Conseiller Makepeace, your turn.

2260 **Conseiller Makepeace:** Yes. I think that it was only brought to our attention a year ago that we had not reapplied to have the mandate given back to the Douzaine. So although the Independent Police Panel (IPP) may have resigned *en masse* in 2022 or so, the mandate was never handed back to the Douzaine and that was only realised last October or thereabouts.

2265 The Douzaine actually made proposals to try to get the mandate back and we lost the proposal. So we were only aware of that, and I believe Conseiller Bateson was perhaps a Member at the time, I think. I am not sure.

Thank you, sir.

2270 **The Speaker:** Okay. Thank you, Conseiller Makepeace. Conseiller Bateson, anything to respond to that? (*Interjection by Conseiller Bateson*) No. Okay.

2275 I am not allowed to observe, but I am heartened that hopefully Mr Ruari Hardy's successor will come and visit Sark in the very near future in order that we can move this forwards. That would be an observation from me, but it is very much down to the Douzaine to drive that forwards. And perhaps a subject for the PDG – perhaps.

So that was at Item 14. Thank you for that Information Report and we await further updates on the subject matter. Thank you very much indeed.

**15. Election/Reappointment of Constables –
Mr P Burgess elected**

Verbal Report from the Douzaine entitled 'Election / Reappointment of Constables'.

2280 **The Speaker:** Agenda Item 15, which is a Verbal Report from the Douzaine entitled the 'Election/Reappointment of the Constables' and once again, I would like to ask Conseiller Bateson to speak on this Verbal Report.

Thank you, Conseiller Bateson.

Conseiller Bateson: Thank you, Mr Speaker.

2285 It is that time where the Constables' contracts, or some of them, have expired. So it is just to re-elect them into carry on the office, really.

The first one is the election/reappointment of Constables. It is not necessary to reappoint Constable Turner, because in 2022, for some reason, she was appointed for three years. But Constable Burgess, we would like to re-elect him as Constable for 12 months. And I understand we do this by a show of hands, is this correct?

2290

The Speaker: That is correct. So the nomination from the Douzaine (**Conseiller Bateson:** Yes.) is Constable Burgess to be effectively re-elected as a Constable –

Conseiller Bateson: Re-elected as a –

2295

The Speaker: – alongside Constable Jones ... sorry, Turner, (**Conseiller Bateson:** Turner.) who is already in position.

Conseiller Bateson: That is right; and will be until next year, yes.

2300

The Speaker: Okay. So that is the name in the frame, it is Constable Burgess. (*Interjection*) I beg your pardon?

A Member: For 12 months.

2305

The Speaker: Yes, for 12 months.

Conseiller Bateson: For 12 months, yes.

2310

The Speaker: Yes. So it is proposed to appoint Constable Burgess as Constable for the next 12 months. Those in favour? Thank you. Those against? And that is **carried**.

I can confirm that the Court have very kindly agreed to meet immediately after this Meeting, and the Seneschal, who I think is falling asleep in her office, but I am very grateful to the Greffier and the Deputy Prévôt for agreeing to do that. So the Constable will be sworn in immediately after this Meeting, as will the Assistant Constables as well.

2315

**16. Election/Reappointment of Assistant Constables –
Mr J Burton and Mr J Godwin elected**

Verbal Report from the Douzaine entitled 'Election / Reappointment of Assistant Constables'.

The Speaker: So that was Agenda Item 18. Agenda Item 19 – *(Interjections)* Sorry, Item 16, I beg your pardon: a Verbal Report from the Douzaine entitled the ‘Election/Reappointment of the Assistant Constables’.

Conseiller Bateson; thank you.

2320

Conseiller Bateson: Thank you.

We would like to re-elect Constables Jordan Burton and Owen Godwin as Assistant Constables.

The Speaker: Thank you very much indeed.

2325

So there are the two names for re-election as Assistant Constables. Once again, that is for a period of 12 months?

Conseiller Bateson: That is – sorry – for 12 months.

2330

The Speaker: Twelve months. Okay. Very good. So it is Constable Burton and Constable Godwin. Let’s vote on them side by side. So those in favour to appoint Constable Burton and Constable Godwin as Assistant Constables for a further 12 months. Those in favour? You are ahead of me. Okay. Thank you very much indeed. Those against? Thank you. That is **approved**. Thank you very much indeed.

2335

Once again they will be sworn in immediately after this Meeting so we have got a functioning police force come midnight.

17. Appointment of Procureur des Pauvres – Mrs K Dewe elected

Verbal Report from the Douzaine entitled ‘Appointment of Procureur des Pauvres’.

The Speaker: Agenda Item 17 is a Verbal Report from the Douzaine entitled ‘Appointment of Procureur des Pauvres’ and once again, Conseiller Bateson, would you like to give this Verbal Report?

2340

Thank you.

Conseiller Bateson: Thank you.

Yes. The next one is the appointment of the Procureur of the Poor. Samantha Hodge has done an absolutely fantastic job and she has now retired as Procureur. We express great thanks to her and all the efforts that she has made over her time as the Procureur. She has been a gem, she was.

2345

We would like to appoint the previous Deputy Procureur, Kathleen Dewe, as the Procureur of the Poor for the next two years.

The Speaker: The next two years. Okay. Thank you, Conseiller Bateson.

2350

So it is proposed, therefore, to appoint Mrs Kathleen Dewe as the new Procureur des Pauvres for the next two years. Those in favour? Thank you. Those against? **Carried**. Congratulations to Mrs Dewe on that appointment.

18. Appointment of Deputy Procureur des Pauvres – Miss P Williams elected

Verbal Report from the Douzaine entitled ‘Appointment of Deputy Procureur des Pauvres’.

The Speaker: Agenda Item 18 is a Verbal Report from the Douzaine entitled 'Appointment of Deputy Procureur des Pauvres'. Once again, Conseiller Bateson to introduce.

2355 Thank you.

Conseiller Bateson: Thank you.

The volunteer to be the new Deputy Procureur of the Poor, and we thank her very much for this, we would like to propose Paula Williams.

2360

The Speaker: You would like to propose Miss Paula Williams?

Conseiller Bateson: Miss Paula Williams.

2365 **The Speaker:** Okay. Thank you for that.

Let's put that to the vote. It is proposed to appoint Miss Paula Williams as the new Deputy Procureur des Pauvres. Those in favour? Thank you. Those against? **Carried.**

Well done to Paula Williams. The swearing in of both Mrs Dewe and Miss Williams will happen next week, because Miss Williams is off Island currently, so that swearing-in process will happen next week with the Court and the Court date is just being finalised at the moment. Very good.

2370

19. Committee Elections – None

To elect Conseillers to Committees, as required.

The Speaker: So we have Agenda Item 22. *(Interjections)* No, Item 19. It is past my bedtime.

Agenda Item 19, Committee Elections, to elect Conseillers to Committees as required. The list which I have obtained from the office this morning is not actually showing any vacancies. So it is a status quo situation. We have no vacancies on any of the Committees, either the regular

2375

Committees or the Special Committees. So that Agenda Item effectively falls away and moving swiftly on – *(Interjection by Conseiller Makepeace)* Yes.

Conseiller Makepeace: I thought that Conseiller Bateson mentioned that Conseiller Sullivan had resigned. **(The Speaker:** Conseiller ...?) Conseiller Sullivan, from the Douzaine.

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The Speaker: Has Conseiller Sullivan resigned from the Douzaine?

Conseiller Harris: He was not he was not a Member, sir. He was in the last Douzaine.

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The Speaker: He has not been a Member of the Douzaine? *(Interjections)* Just one second, could you stand up, please, Conseiller Bateson, and put your microphone on? *(Interjection by Conseiller Bateson)* Otherwise you will not be recorded. Thank you. **(Conseiller Bateson:** Sorry, yes.) So Conseiller Bateson –

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Conseiller Bateson: Yes. The situation with Conseiller Sullivan, he was a Member of the Douzaine last year, and I suspect he was among the people who resigned earlier on this year and then did not go back on the Committee afterwards. So he is not on the Committee at the moment anyway and he has not been since the Easter Chief Pleas, I do not think.

2395

The Speaker: And as I recall, Conseiller Sandra Williams took his place. (**Conseiller Bateson:** Yes.) Yes.

2400 So I will just read you, according to my schedule, the Douzaine currently comprises Conseiller Bateson as Chairman; Conseiller Marcus Barker as the Deputy Chair; Conseiller Harris; Conseiller Le Lievre; Conseiller Paul Williams; Conseiller Rose; and Conseiller Sandra Williams.

Conseiller Bateson: That is precisely correct, yes.

The Speaker: So there are no vacancies.

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Conseiller Bateson: And no Sullivans, either.

The Speaker: No. Conseiller Sullivan was a previous Member –

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Conseiller Bateson: He was indeed, yes.

The Speaker: – but there is no vacancy? No.

Conseiller Bateson: There is no vacancy, no.

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The Speaker: That is my understanding of it. Yes. Very good.

20. Committee and Panel Elections – None

To elect non-Chief Pleas Members and Panel Members to Committees and Panels, as required.

The Speaker: Agenda Item 20 – not dissimilar – is to elect non-Chief Pleas Members and Panel Members to Committees and Panels as required.

2420 I have received no nominations or notifications. Are there any from the floor to populate any Committee with non-Chief Pleas Members? No? In which case I will pass on that. That was Agenda Item 20.

Thank you for that.

Budget Meeting deadline – Statement by the Speaker

2425 **The Speaker:** It is now 10 past eight. I have a closing statement to make which is please be aware, as has been mentioned previously at this Meeting, that the Budget Meeting of Chief Pleas is to take place on Wednesday, 20th November. This Meeting will deal *almost* exclusively with the 2025 Budget.

2430 I would once again please ask that spending Committees should ensure that you submit your budget requirements in good time, prior to Wednesday, 22nd October, when the Agenda for that Meeting will close. That will be at 12 noon on 22nd October. Please note this is a new time for administration purposes. So please make sure that you engage with the Treasurer and Policy and Finance in order to get your Budget requests in and presented in good time for that Budget Meeting on 20th November.

MICHAELMAS MEETING OF CHIEF PLEAS, WEDNESDAY, 2nd OCTOBER 2024

With that, I will say thank you very much indeed and declare the Meeting closed at 10 past eight. Greffier, the closing prayer, thank you.

PRAYER

The Greffier

Chief Pleas closed at 8.10 p.m.